

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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EXPRESS GOLD CASH, INC.,

Plaintiff,

Case No.: 1:22-cv-352

-vs-

**VERIFIED COMPLAINT  
AND JURY DEMAND**

C.J. ENVIRONMENTAL, INC. d/b/a  
CASHFORGOLDUSA.COM,  
EMMA JOHNSON INC. d/b/a  
WEALTHYSINGLEMOMMY.COM,  
STEER DIGITAL LTD, DANIEL BROWN,  
and ADAM TOUTAIN,

Defendants.

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Plaintiff Express Gold Cash, Inc. (“Plaintiff”), by its attorneys, Hashmi Law Firm, for its Complaint against CJ Environmental, Inc. d/b/a CashForGoldUSA.com (“CashForGoldUSA”), Emma Johnson Inc. d/b/a WealthySingleMommy.com (“WealthySingleMommy”), Steer Digital LTD (“Steer”), Daniel Brown (“Brown”), and Adam Toutain (“Toutain”) alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for false advertising, deceptive business practices, and unfair competition arising from CashForGoldUSA’s false and misleading advertising and marketing campaign for its mail-in precious metals buying service offered to consumers in New York and throughout the United States.

2. Amongst other things, CashForGoldUSA: (1) publishes false and misleading statements on its own website and internet search results; (2) uses an artificially inflated “review” system to brazenly lie to consumers about its standing in the marketplace; (3)

maintains an exclusive relationship with Steer, Brown, and Toutain who registered, created, maintained, and marketed a fraudulent “independent” review website; and (4) maintains an exclusive relationship with WealthySingleMommy who registered, created, maintained, and marketed a paid affiliate website that knowingly publishes false and misleading statements about CashForGoldUSA and deceptively promotes CashForGoldUSA through a fraudulent “secret shopper” style “experiment.” CashForGoldUSA employs the foregoing tactics in a systematic bait and switch scheme to swindle consumers.

3. CashForGoldUSA, in concert with Steer, Brown, Toutain, and WealthySingleMommy, has generated millions of dollars by luring innocent consumers into falsely believing they are dealing with a highly rated high paying gold buying service that pays “three times more” than its competitors. In reality, CashForGoldUSA pays nowhere near what it promises and does not honor its fraudulent guarantees and representations.

4. CashForGoldUSA directly competes with Plaintiff in New York and elsewhere. As a result, in addition to causing injury to consumers, CashForGoldUSA’s false and misleading campaign results in the direct diversion of sales and decreased goodwill associated with the competing services offered by Plaintiff.

5. By this lawsuit, Plaintiff seeks to (i) enjoin Defendants from publishing any further false and misleading claims about CashForGoldUSA’s services and from engaging in deceptive business practices; (ii) require Defendants to issue corrective advertising; and (iii) recover monetary damages for the harm sustained by Defendants’ false and misleading claims and deceptive business practices.

**THE PARTIES**

6. Plaintiff is a New York corporation having its primary place of business at 100 Main Street, Suite 14, Salamanca, New York 14779.

7. Upon information and belief, CashForGoldUSA is a Massachusetts corporation with its principal office at 15 Dan Road, Canton, MA 02021.

8. Upon information and belief, WealthySingleMommy is a New York corporation with its principal office at 3006 29th Street #4F, Astoria, NY 11102.

9. Upon information and belief, Steer is a foreign corporation and Brown is an individual residing at Steer's principal office located at 4 Westlands, Bransgore, Christchurch, England BH23 8BY.

10. Upon information and belief, Toutain is an individual residing at 685 Allen Avenue, Portland, Maine 04103.

**SUBJECT MATTER JURISDICTION AND VENUE**

11. This Court has subject matter jurisdiction over this action pursuant to the Lanham Act, 15 U.S.C. § 1125(a), and 28 U.S.C. §§ 1331 and 1332. This Court has supplemental jurisdiction over the related state law claims pursuant to 28 U.S.C. § 1367(a).

12. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) in that Defendants are subject to personal jurisdiction in this District at the time this action was commenced and a substantial part of the events or omissions on which the claims in this action are based occurred in this District. Venue is also proper in this District pursuant to 28 U.S.C. § 1391(c) because Defendants are deemed to reside in this District.

**PERSONAL JURISDICTION**

13. This Court has personal jurisdiction over WealthySingleMommy because it is a corporation whose principal office is located and registered in the State of New York, and it can therefore be sued in the State of New York. Additionally, WealthySingleMommy, by and through the direction and/or approval of CashForGoldUSA, registered, created, and maintained deceptive interactive review pages on its website located at “wealthysinglemommy.com,” which sends New York-based customers to conduct business with CashForGoldUSA and intentionally harms EGC in New York. Further, on its own website, WealthySingleMommy selects the State of New York as the exclusive forum in connection with its “privacy policy”; therefore, there is no basis to defeat personal jurisdiction.

14. This Court has personal jurisdiction over CashForGoldUSA, Steer, Brown, and Toutain pursuant to N.Y. C.P.L.R. §§ 302(a)(1), 302(a)(3)(i) and 302(a)(3)(ii).

15. CashForGoldUSA has purposefully projected itself into New York to engage in the sustained and substantial transaction of business and has engaged in an ongoing regular course of conduct in New York.

16. CashForGoldUSA advertises itself as a nationwide mail-in precious metals dealer, states that it has paid over \$156 million to customers, and has over 350 online reviews from customers throughout the nation, including New York.

17. CashForGoldUSA does not maintain any storefront locations in the United States. Instead, CashForGoldUSA conducts its business by mail order and internet transactions through a highly interactive website, located at <https://www.cashforgoldusa.com>. It also operates similar websites located at the following



URLs: <https://www.cashfordentalscrap.com>, <https://cashfordiamondsusa.com>, and <https://cashforsilverusa.com>.

18. CashForGoldUSA actively solicits and purchases items from customers in New York. CashForGoldUSA specifically targets its activities in New York by inviting users to order appraisal kits using an online form that displays New York as one of the 50 states in a dropdown list. CashForGoldUSA transmits services to users across the nation and in New York, where Plaintiff operates in direct competition with CashForGoldUSA.

19. CashForGoldUSA's websites provide information, invite access to telephonic and electronic email communication with a customer service representative, describe the services offered by CashForGoldUSA, and invite consumers to complete an online registration form to obtain an appraisal kit to get started.

20. CashForGoldUSA processes transactions and markets its services nationwide and to New York customers via US mail, electronic mail, and telephonic communications. CashForGoldUSA mails promotional materials and prepaid shipping labels to customers with New York delivery addresses, and responding customers use these shipping labels to mail their items to CashForGoldUSA for appraisal. CashForGoldUSA sends emails to New York customers notifying them of the appraisal and responding to their questions and concerns. CashForGoldUSA engages in telephonic communications with New York customers to complete transactions, facilitate returns, answer questions, and process appraisal kit requests.

21. CashForGoldUSA uses pay-per-click advertising, ad retargeting, YouTube and social media sites to flood the online marketplace with advertisements that attract customers across the nation, including New York.

22. Steer, Brown, Toutain, and WealthySingleMommy have purposefully projected themselves into New York to engage in the sustained and substantial transaction of business and have engaged in an ongoing regular course of conduct in New York.

23. Steer, Brown, and Toutain, by and through the direction and/or approval of CashForGoldUSA, registered, created, and maintained a deceptive interactive review website located at <https://www.cashforgoldcomparison.com>.

24. The website held itself out as an independent source of information even though Steer and Brown had an undisclosed exclusive business relationship with CashForGoldUSA. The website allowed consumers to view the purported results of a series of “test” transactions conducted with CashForGoldUSA and four of its competitors, including Plaintiff. The website allowed consumers to click on the corresponding hyperlinks to visit any one of the five competitors, including CashForGoldUSA and Plaintiff. The website claimed that it conducted a test transaction with Plaintiff in New York, and it used the results of that test transaction to create the purportedly “independent” review website that ranked CashForGoldUSA as the highest paying. Additionally, two of the other listed competitors are located in New York. Accordingly, Steer and Brown, in concert with Toutain, allegedly ordered appraisal kits and engaged in three “test” transactions in New York or with New York-based businesses.

25. Steer, Brown, and Toutain, in concert with CashForGoldUSA, used pay-per-click advertising to flood the online marketplace with advertisements for the website to attract customers across the nation, including New York.

26. The website, in combination with the three test transactions, are purposeful actions directed at New York which bear a substantial relationship to the causes of action

asserted herein.

27. Further, by committing the tortious acts of creating the website and engaging in the purportedly “independent” test transactions in New York, Steer, Brown, and Toutain expect or should reasonably expect the acts to have consequences in New York. Additionally, through their exclusive financial relationship with CashForGoldUSA, Steer, Brown, and Toutain derive substantial revenue from interstate commerce.

28. Defendants jointly and collectively used the above-referenced means of communication to purposefully direct false advertising and deceptive conduct in New York, resulting in competitive harm to Plaintiff.

### **FACTUAL ALLEGATIONS**

29. Mail-in precious metals dealers allow ordinary consumers to sell their precious metals and jewelry without leaving their homes. These consumers often do not know the true value of their items and have little or no experience selling them online.

30. A participating customer typically visits a website found through an internet search and requests a free appraisal kit from a mail-in precious metals dealer. The dealer mails the appraisal kit to the customer. The customer uses the enclosed prepaid shipping label in the kit to send items for appraisal to the dealer. The customer receives an offer for the items and can accept or decline it. If the customer is not satisfied with the appraisal, the items are returned to the customer free of charge.

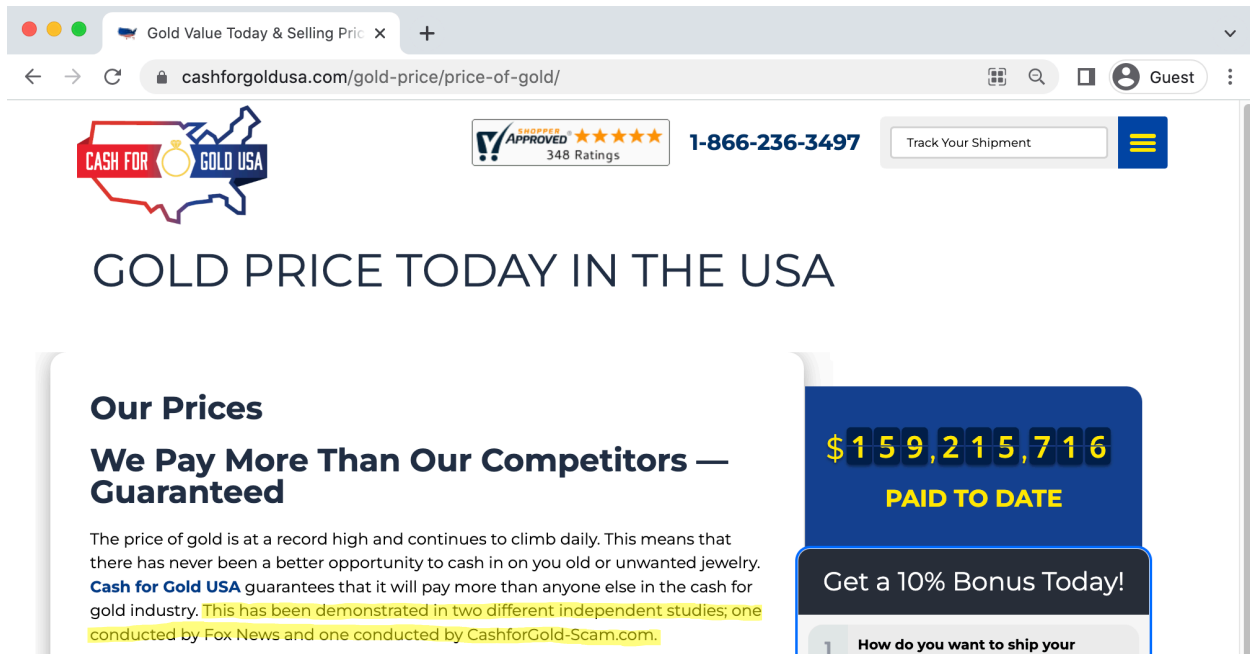
31. Since 2010, there has been a significant decline in the number of mail-in precious metals dealers. From 2010 until the present date, Plaintiff and SellYourGold.com are historically the top two remaining competitors in the industry. During most of this timeframe, CashForGoldUSA had a small market share.

32. However, since at least 2021, CashForGoldUSA's market share has increase significantly after publishing the false advertisements and adopting the deceptive practices alleged herein.

**I. CashForGoldUSA, in concert with Steer, Brown, and Toutain, Created a Fake “Independent” Review Website to Divert Customers Away from Plaintiff**

**A. CashForGoldUSA's Old “Independent” Review Website Scam**

33. CashForGoldUSA.com states that an “independent stud[y]” conducted by CashForGold-scam.com revealed that CashForGoldUSA “pay[s] more than anyone else in the cash for gold industry.” Below is a highlighted screenshot.<sup>1</sup>



34. The referenced website “CashForGold-Scam.com” no longer exists and it was itself a scam created by CashForGoldUSA.

35. In 2011, CashForGold-Scam.com purported to be an objective and independent website that ranked seven online gold buyers. The website called itself a

<sup>1</sup> Available at: <https://cashforgoldusa.com/gold-price/price-of-gold/>

“Consumer News Report” and claimed that its rankings were based on “Official Test Results” involving identical sets of gold jewelry and silver coins sent to competing online gold buyers. An archived version of the website is attached hereto as **Exhibit 1**.

36. Based on the purported “test,” the website ranked CashForGoldUSA as “#1” on its “Official Rankings” with an offered payout of \$343.89. Plaintiff was ranked #4 with an offered payout of \$174.38. The website states that “[t]he final results clearly demonstrated that Cash for Gold USA paid over \$130 more than the second-place company” and “[w]e highly recommend Cash for Gold USA due to the fact that their pricing was fair and we felt as though they didn’t attempt to rob us.” Below is a highlighted screenshot.

**Consumer News Report:**  
Cash for Gold Industry | Tested & Reviewed  
Find Out Which Companies Rip You Off & Which Don't! Search

**WE TESTED THEM ALL!**  
We purchased ten identical sets of gold jewelry and silver coins (see pics below): a 14k gold necklace weighing eight grams, a pair of 10k gold ear rings weighing five grams, and 3 gold-plated sterling silver coins weighing one-ounce a piece. Next, we contacted ten separate cash for gold companies and requested “gold kits” from them by filling out their forms online. We decided to publish our findings online so the public could see for themselves. It should be noted that two of the companies didn’t even know the coins we sent in were actually made of sterling silver! Pretty scary!  
The final results clearly demonstrated that Cash for Gold USA paid over \$130 more than the second-place company. We highly recommend Cash for Gold USA due to the fact that their pricing was fair and we felt as though they didn’t attempt to rob us.

**TOP Cash For Gold Site Rankings**

OFFICIAL RANKINGS				
1		\$343.89	Read Reviews Write a Review	
2		\$208.21	Read Reviews Write a Review	
3		\$189.00	Read Reviews Write a Review	
4		\$174.38	Read Reviews Write a Review	
5		\$104.80	Read Reviews Write a Review	
6		\$81.54	Read Reviews Write a Review	
7		\$32.20	Read Reviews Write a Review	

37. CashForGold-Scam.com presented itself as a legitimate and impartial source of information. It published details about the “test” transactions, links to images of the payout checks, and scam prevention tips.

38. In reality, CashForGoldUSA owned, operated, and controlled the website and used it to drive traffic to itself and away from competitors.

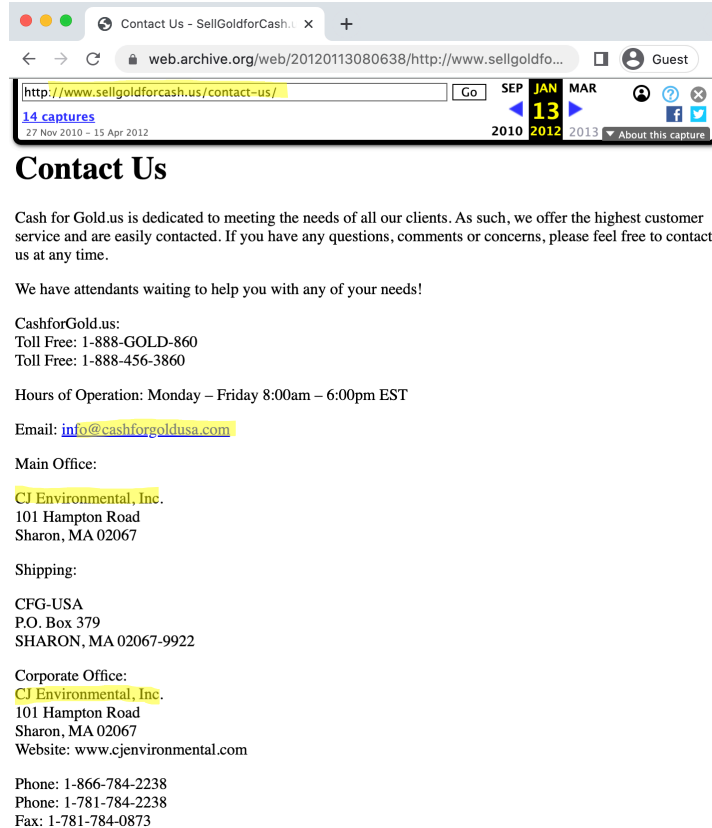
39. In 2011, CashForGold-Scam.com was registered to an individual named “Rachel Leigh” of B Star Printing.

40. According to an AllPeople.com search result, Leigh used the email address “info@sellgoldforcash.us.” Copies of the domain registration report and AllPeople.com search results are attached hereto as **Exhibit 2**.

41. The above referenced “Rachel Leigh” is Rachel Leigh Schneider, the wife of Cory Schneider.

42. Cory Schneider operates CashForGoldUSA with his father and his brothers.

43. In 2011, CashForGoldUSA owned, operated, and/or controlled the above-referenced domain “SellGoldForCash.us.” The website identifies CJ Environmental, Inc. as the owner and publishes CashForGoldUSA’s email address. Below is a highlighted screenshot of the archived website.



44. Upon information and belief, CashForGold-Scam.com continuously operated from 2011 to 2015.

45. Based on these documented facts, CashForGoldUSA set up CashForGold-Scam.com as a phony “undercover audit” website to deceive consumers, generate sales, and drive business away from Plaintiff and other competitors. Despite all of this, CashForGoldUSA continues to reference CashForGold-Scam.com on its website.

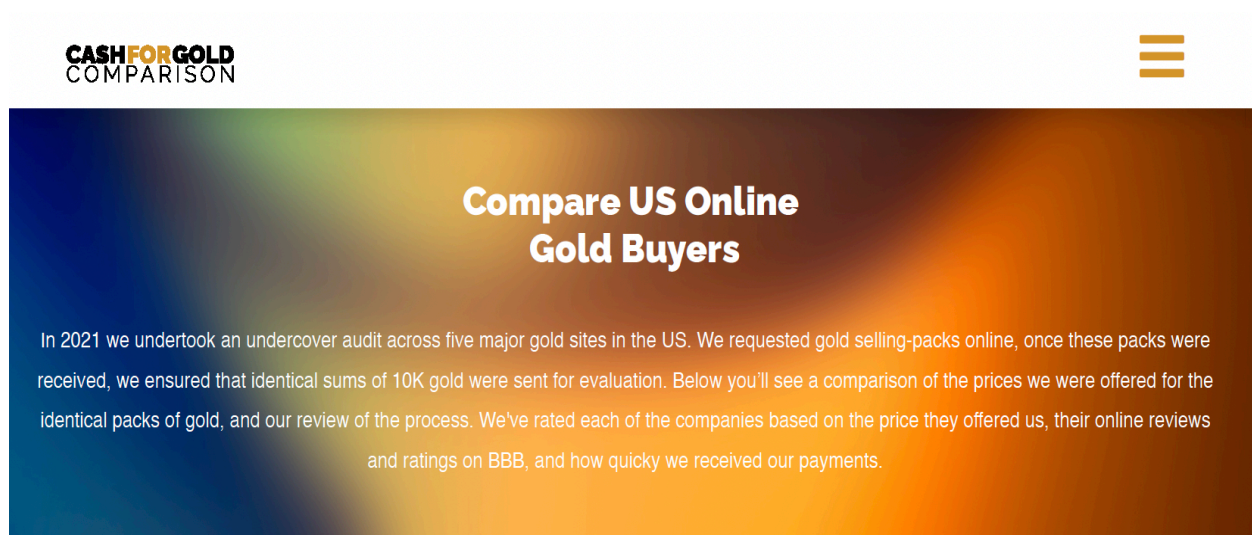
#### **B. CashForGoldUSA’s New “Independent” Review Website Scam**

46. On or about March 2021, a similar “independent” review website abruptly appeared on the internet located at <https://www.cashforgoldcomparison.com> (the “Fraudulent Website”). An archived version of the website is attached hereto as **Exhibit 3**.

47. The Fraudulent Website did not publish any contact information, and the domain was anonymously registered.



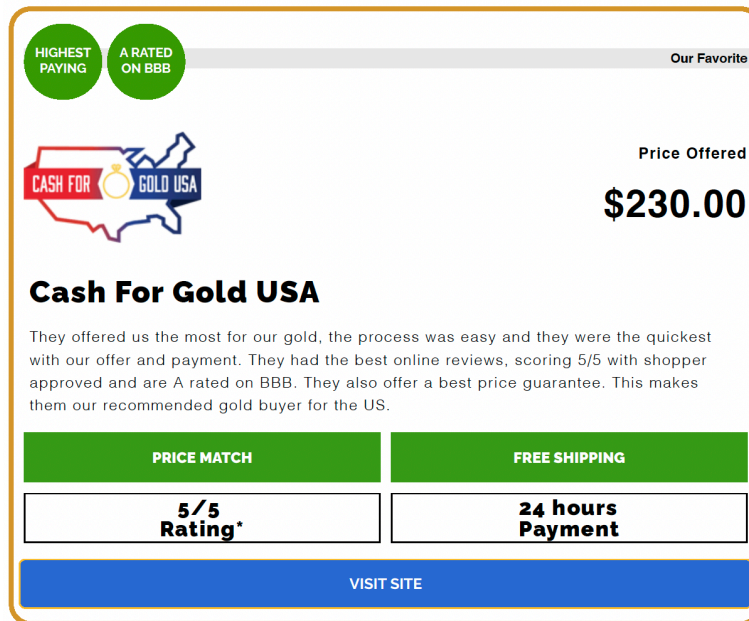
48. Like CashForGold-Scam.com, the Fraudulent Website purported to be an objective and independent website that ranked five online gold buyers based on “an undercover audit” of “the five major gold sites in the US.” Below is a screenshot.



49. Based on the purported “undercover audit,” the Fraudulent Website ranked CashForGoldUSA first on the list with an offered payout of \$230.00. Plaintiff was ranked fourth on the list with an offered payout of \$174.65.

50. The Fraudulent Website gave CashForGoldUSA a “5/5 rating.” It stated that CashForGoldUSA is “Our Favorite” and prominently displayed the phrase “HIGHEST PAYING.” Below is a screenshot.





HIGHEST PAYING  
 A RATED ON BBB  
 Our Favorite

CASH FOR GOLD USA

Price Offered  
**\$230.00**

**Cash For Gold USA**

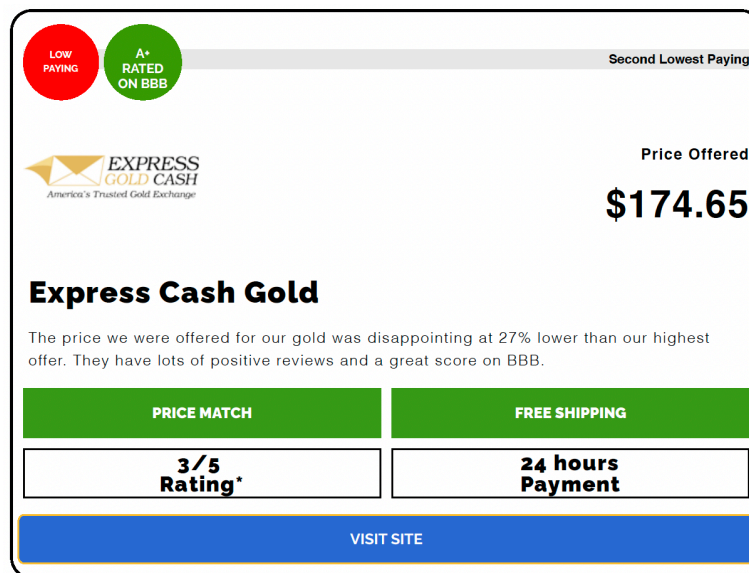
They offered us the most for our gold, the process was easy and they were the quickest with our offer and payment. They had the best online reviews, scoring 5/5 with shopper approved and are A rated on BBB. They also offer a best price guarantee. This makes them our recommended gold buyer for the US.

PRICE MATCH  
 FREE SHIPPING

**5/5 Rating\***  
**24 hours Payment**

VISIT SITE

51. The Fraudulent Website gave Plaintiff a “3/5 rating.” Alongside Plaintiff’s name and logo, the website states that Plaintiff is “Second Lowest Paying,” and prominently displayed the phrase “LOW PAYING.” Below is a screenshot.



LOW PAYING  
 A+ RATED ON BBB  
 Second Lowest Paying

EXPRESS GOLD CASH  
 America's Trusted Gold Exchange

Price Offered  
**\$174.65**

**Express Cash Gold**

The price we were offered for our gold was disappointing at 27% lower than our highest offer. They have lots of positive reviews and a great score on BBB.

PRICE MATCH  
 FREE SHIPPING

**3/5 Rating\***  
**24 hours Payment**

VISIT SITE

52. As set forth above, the Fraudulent Website contained clickable buttons that allowed users to visit each company’s website.

53. When clicked, the button next to CashForGoldUSA’s listing leads to the

company's website at the following URL: "http://www.cashforgoldusa.com/?cid=557." Of the "tested" companies, this URL was the only one that included a unique identifying "CID" number after the domain name ("?cid=557"). The URLs linked to the remaining four company websites contained identical non-unique characters after the domain name.

54. Web-based businesses customarily use unique identifiers such as "CID" numbers in "affiliate marketing" campaigns to track and financially reward people for directing traffic to their websites.

55. CashForGoldUSA routinely uses "CID" numbers to track and reward its affiliate marketers.

56. For example, the hyperlinks displayed on the "Surviving Divorce"<sup>2</sup> and "Wealthy Single Mommy"<sup>3</sup> affiliate marketing websites point to the following website URL's:

- "https://cashforgoldusa.com/?cid=528"
- "https://cashforgoldusa.com/?cid=470&aid=cashforgoldusareview"

(emphasis added).

57. If the Fraudulent Website was truly independent, then none of the listed companies would have referral links. Likewise, if the Fraudulent Website was set up to maximize potential income without bias, then *all* of the listed companies would have referral links.

58. Additionally, it is an unlikely coincidence that the domain CashForGoldComparison.com contains the partial name of CashForGoldUSA.

59. In violation of FTC standards, the Fraudulent Website failed to disclose any

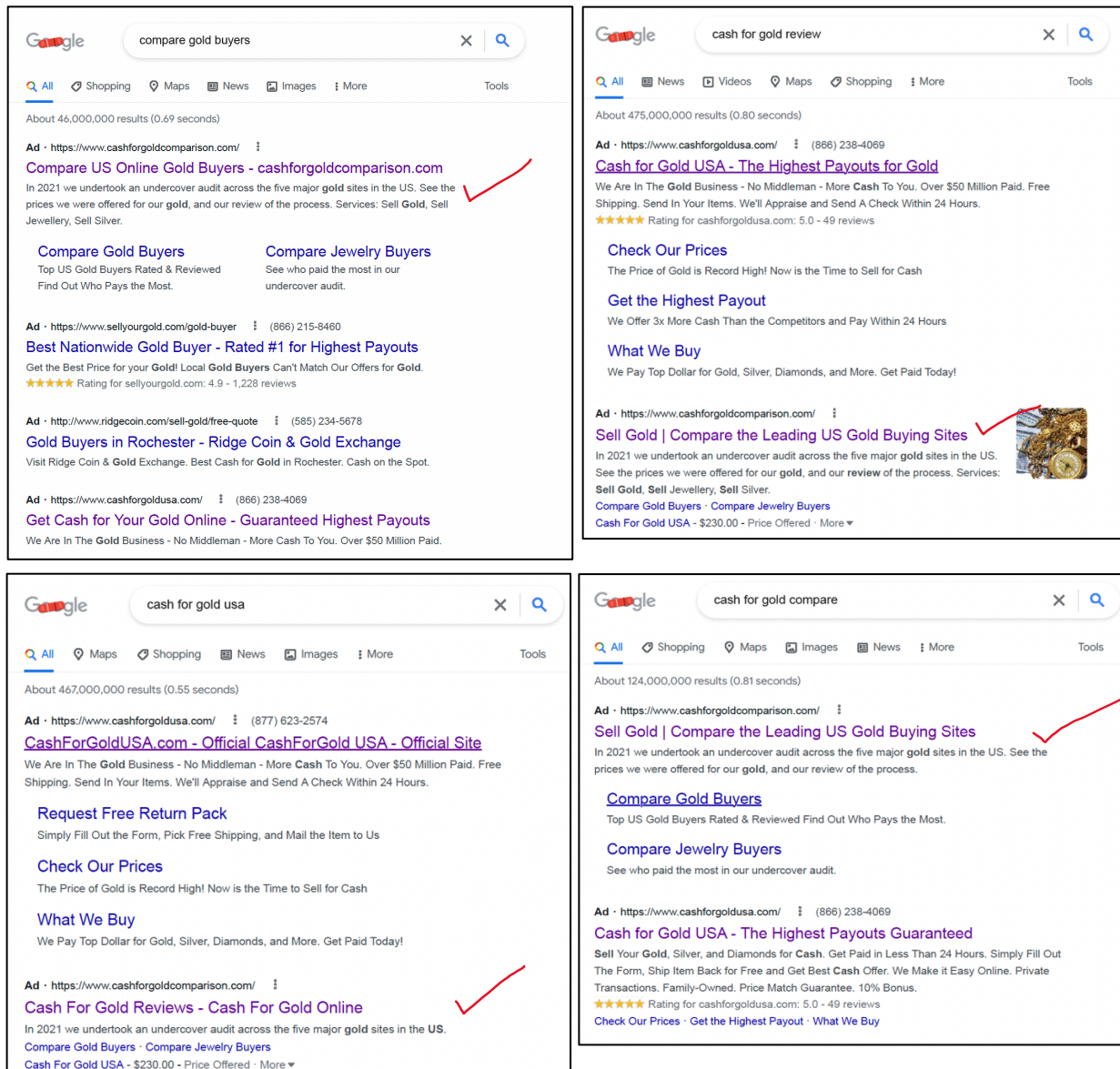
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<sup>2</sup> Available at <https://www.survivedivorce.com/cash-for-gold-usa>

<sup>3</sup> Available at <https://www.wealthysinglemommy.com/cash-for-gold-usa-review/>

connection with CashForGoldUSA. Instead, visitors got the clear and false impression that the Fraudulent Website was operated and published independently by an unbiased third party.

60. The Fraudulent Website regularly appeared as a top *paid* Google Ad search result *alongside* CashForGoldUSA. Below are annotated screenshots.



61. By spending significant sums of money on expensive and competitive Google Ads and having them appear alongside CashForGoldUSA, the creator of the Fraudulent Website clearly ran a for-profit operation disguised as “informational” with approval and coordination from CashForGoldUSA.

62. In the process, the Fraudulent Website disparaged Plaintiff, a top player in the industry, by ranking it near the bottom of a purportedly objective list. This drove sales and market share away from Plaintiff to CashForGoldUSA—and CashForGoldUSA knew it.

63. Further, the Fraudulent Website’s representation that it reviewed “the five major gold sites in the US” was misleading because Gold Geek and reDollar are not understood to be substantial industry players. They were merely placeholders used to drive down ratings of the top two players in the marketplace (Plaintiff and Sell Your Gold) who are both ranked at the bottom.

64. The creator of the Fraudulent Website lifted the HTML source code directly from a United Kingdom-based website located at <https://sellgoldcomparison.co.uk>. The two websites are visually identical—both “rank” gold buyers and both even contain the same UK spelling of “jewellery.”

65. On its own website, CashForGoldUSA encourages consumers to “[d]o a Google search for information and reviews about the company.”<sup>4</sup> Upon performing said Google search, consumers were led to the Fraudulent Site because it appeared as a top paid Google Ad result.

66. Like CashForGold-Scam.com, CashForGoldUSA reaped the benefits from a low effort but highly effective scam. The Fraudulent Website masqueraded as an independent

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<sup>4</sup> Available at <https://cashforgoldusa.com/a-guide-to-help-you-sell-gold-for-the-most-cash/>

and objective information source when it was really a fraudulent advertisement for CashForGoldUSA, which appeared in search results alongside the Fraudulent Website.

67. Moreover, the purported “undercover audit” was not truly independent and was likely fabricated, biased, and/or corrupted by CashForGoldUSA who was exclusively affiliated with the Fraudulent Website and was knowingly profiting from unlawful and deceptive conduct.

68. Prior to this lawsuit, Plaintiff sought and obtained a pre-action subpoena directed at a web hosting company for the sole purpose of identifying the anonymous registrant of the Fraudulent Website. Plaintiff intended to use the information to file a lawsuit seeking the removal of the Fraudulent Website. As a result, Plaintiff confirmed the identity of the registrants to be defendants Brown and/or Steer, a digital marketing company based in the United Kingdom. According to its website, Steer offers affiliate marketing and pay-per-click advertising services to their clients.<sup>5</sup> Upon information and belief, Brown is the sole owner of Steer.

69. Additionally, Plaintiff confirmed that Toutain worked in concert with Brown and/or Steer to conduct the alleged “test” transactions. Upon information and belief, Toutain, as the United States presence, financially benefited from the scheme and actively assisted in corrupting the results.

70. CashForGoldUSA retained Steer, Brown, and Toutain to create and facilitate the Fraudulent Website, and knowingly benefitted from the Fraudulent Website through an exclusive affiliate marketing relationship with Steer, Brown, and Toutain.

71. CashForGoldUSA, Steer, Brown, and Toutain acted in concert to mislead

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<sup>5</sup> Available at <http://steerdigital.com>

consumers and tarnish Plaintiff's brand.

72. On or about January 31, 2022, shortly after receiving notice that Plaintiff discovered their identities, the Fraudulent Website was abruptly taken down.

73. However, the damage has been done. CashForGoldUSA has dramatically increased its market share, tarnished Plaintiff's brand, and siphoned customers away from Plaintiff, all with the assistance and active participation of Steer, Brown, and Toutain. These defendants must be held accountable.

## **II. CashForGoldUSA Publishes a Fake "Paid to Date" Counter on its Website**

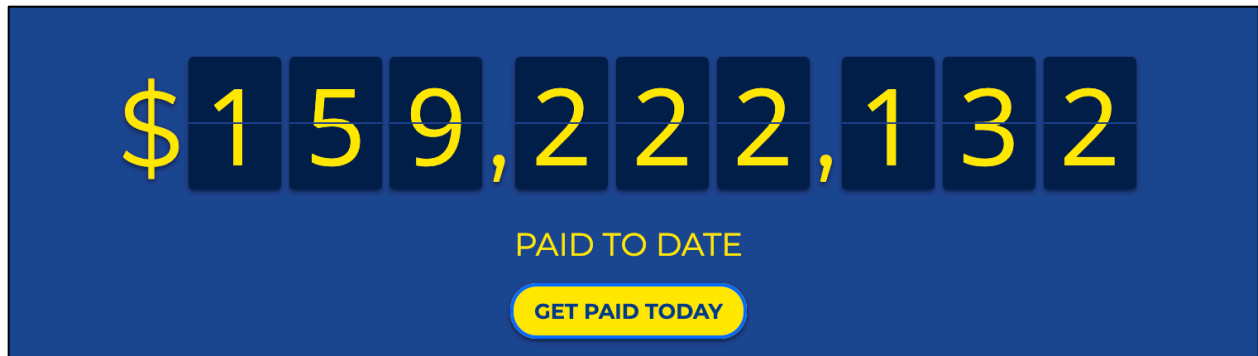
74. CashForGoldUSA owns and operates a certain website located at <https://www.cashforgoldusa.com> ("CashForGoldUSA.com"). Annotated screenshots of the false and misleading portions of the website are attached hereto as **Exhibit 4**.

75. CashForGoldUSA.com displays a "Paid to Date" counter that purports to be a real-time tabulation of the total amount of money paid out to CashForGoldUSA's customers since the inception of the business.

76. The "Paid to Date" counter is prominently displayed on every section of CashForGoldUSA.com.

77. A large version of the "Paid to Date" counter appears on the homepage next to a clickable "GET PAID TODAY" button, which leads consumers to the order form when clicked. Below is a screenshot as of April 17, 2022.





78. As of March 23, 2018, after nearly thirteen years of business, the “Paid to Date” counter displayed \$50,731,316.

79. The difference between the two amounts represents an improbable three-fold increase over the course of just four years.

80. Meanwhile, CashForGoldUSA.com states in multiple locations that it has paid out \$50,000,000 to customers since 2005. Below are screenshots.<sup>6</sup>

With over 250,000 customers served and \$50,000,000 paid out to those customers since our inception in 2005, **Cash for Gold USA** is one of the largest online B2C gold buyers in the world.

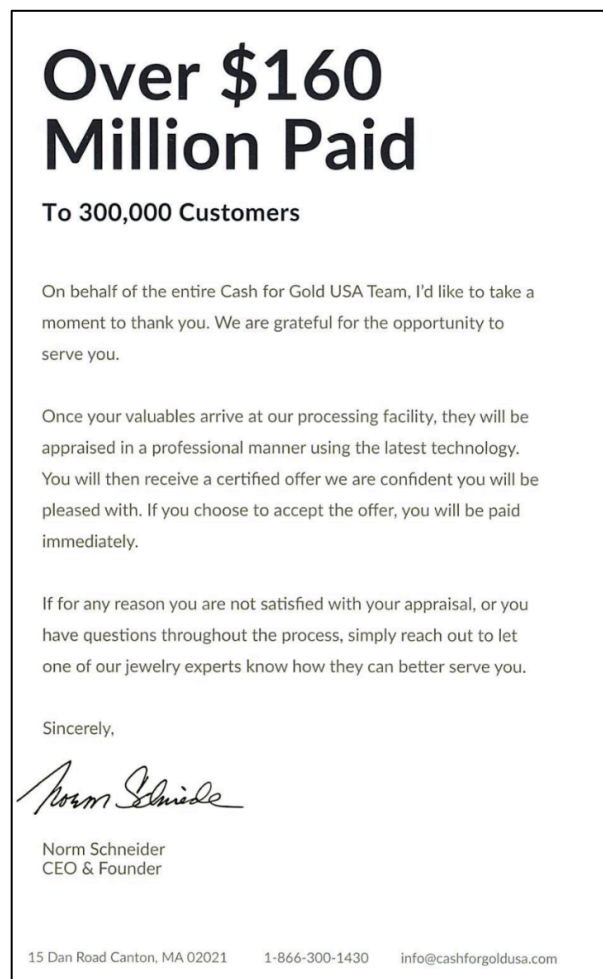
With over 250,000 customers served and \$50,000,000 paid out to those customers since our inception in 2005, **Cash for Gold USA** is one of the largest online B2C gold buyers in the world. Why else should you trust CashforGoldUSA.com with your gold items:

81. Plaintiff deployed an automated web scraping tool and determined that the total amount displayed on the “Paid to Date” counter is derived from a number generator randomized within a fixed range operating on a continuous fixed schedule 24 hours per day, 7 days per week.

<sup>6</sup> Available at <https://cashforgoldusa.com> and <https://cashforgoldusa.com/blog/>

82. CashForGoldUSA's stated hours of operation are Monday through Friday 9:00 am to 5:00 pm, so the dollar amount displayed on the "Paid to Date" counter should not fluctuate in real time 24 hours per day, 7 days per week.

83. Additionally, CashForGoldUSA misleads consumers by publishing appraisal kits falsely stating it has paid "over \$160 million" to customers even though the Paid to Date Counter displayed an amount less than \$160 million. Below is an excerpt from a printed appraisal kit postmarked February 4, 2022.



84. Accordingly, the hundreds of millions of dollars "Paid to Date" is a fiction meant to deceive and lure an untold number of consumers to do business with CashForGoldUSA.




**III. CashForGoldUSA Falsely Represents that the Website's Interactive Gold Calculator Will Provide an Approximation of the Offered Payout**

**A. CashForGoldUSA Publishes False and Misleading Statements About the Gold Calculator on its Website**

85. CashForGoldUSA prominently displays an interactive Gold Calculator in numerous sections of CashForGoldUSA.com. After entering the weight and karat, the Gold Calculator displays the current gold price, which appears to be based on the AM London Fix price.


86. On the homepage, the Gold Calculator is positioned alongside a “Price Match Guarantee” and other representations meant to attract consumers, including “Why we’re the best choice.” Directly above the “Gold Calculator,” is the following enticing statement: “Several clients have been paid out over \$20,000 for the gold, silver and diamonds over the years. Use the calculator below to estimate your value.” The phrase “Estimate does not reflect payout” appears in fine print at the bottom of the Gold Calculator. Below is a highlighted screenshot.

**Why we're the best choice.**




**250,000+ Customers**

There's a reason so many customer trust us and keep coming back.




**Price Match Guarantee!**

We'll match any competitors offer **GUARANTEED** -- our payouts can't be beat.



**We'll Pay You More**

We offer GIA certified assays that will accurately appraise your material and help you get the most for your gold, silver, and diamonds.



**Risk-Free**

If for any reason you're unhappy with our offer, we'll return your items to you at no cost.

**GET STARTED**

**Gold Calculator**

Several clients have been paid out over \$20,000 for the gold, silver and diamonds over the years. Use the calculator below to estimate your value.

**GOLD CALCULATOR**

Gold Silver Diamonds

? Weight  g

? Karats

= \$0

Today's Gold Price: \$1970.60/oz

Estimate does not reflect payout

87. The Gold Calculator and surrounding representations lead consumers to believe that it will provide at least an approximation of the offered payout price.

88. In another section of the website titled “Gold Price Today in the USA,” the Gold Calculator is positioned alongside the fraudulent Paid to Date counter, exaggerated photographic depictions of previous payouts, representations that CashForGoldUSA beats its competitors, and additional enticing statements. Below is a highlighted screenshot. Directly above the Gold Calculator is the enticing statement “What’s Your Stuff Worth?” with a green arrow connecting it to a clickable “GET PAID TODAY” button. Below is a highlighted screenshot.

## Our Prices


## We Pay More Than Our Competitors — Guaranteed

The price of gold is at a record high and continues to climb daily. This means that there has never been a better opportunity to cash in on your old or unwanted jewelry.


**Cash for Gold USA** guarantees that it will pay more than anyone else in the cash for gold industry. This has been demonstrated in two different independent studies; one conducted by Fox News and one conducted by CashforGold-Scam.com.

- 100% Safe Transaction! ZERO Risk!
- Fox News Found We Pay 3x MORE than the Competition!
- We Cover All Shipping Fees! It's Completely FREE!


### What we have paid for previous shipments...



**\$9,580.41**



**\$1,883.49**



**\$4,941.60**

## Our Appraisers Are Gem Institute Of America Certified

We pride ourselves in having the industry leading GIA certified assays that will accurately appraise your material and help you get the most for your gold, silver, and diamond materials.

## We Cover ALL Shipping Fees!

Cash for Gold USA never charges for brokers or assay fees. Unlike other buyers, we cover ALL the costs of shipping and insuring your property so that you'll receive more money.

### What's Your Stuff Worth?

#### GOLD CALCULATOR

Gold Silver Diamonds

? Weight  g

? Karats

=

Today's Gold Price: \$1970.60/oz

Estimate does not reflect payout

powered by Cash For Gold USA

## \$159,215,716

### PAID TO DATE

## Get a 10% Bonus Today!

#### 1 How do you want to ship your items?

☐ USPS Mailer (Fast)

☐ FedEx Label (Fastest)

#### 2 Contact Information

First Name	Last Name
E-mail	Phone No.

**GET PAID TODAY**

By clicking "Get Paid Today" you agree to Cash for Gold USA [terms & conditions](#).

89. Despite the fine print stating “Estimate does not reflect payout,” the positioning of the Gold Calculator leads consumers to believe that the calculator will provide an approximation of the offered payout price.

90. In another section of the website titled “We Buy Scrap Gold,” the Gold Calculator is once again positioned alongside the fraudulent “Paid to Date” counter and the

statement “Easily estimate the value of your scrap gold using our gold calculator.” Below is a highlighted screenshot.

**Sell Your Scrap Gold, Scrap Silver And Dental Scrap**

**Scrap gold** consists of any gold material containing a value higher than the costs associated with processing and recycling it. Due to the current **gold market**, this pretty much includes anything containing gold: gold coins, chains, charms, bracelets, necklaces, watches, class rings, dental gold, pendants, earrings, rings, gold Links, gold ingots, bars, electronic components like gold printed circuit boards, gold pin processors– absolutely anything and everything containing gold. **Cash for Gold USA** buys it all!

**Scrap Gold Calculator**

Easily estimate the value of your scrap gold using our gold calculator.

To determine the final value of your scrap gold, request a **FREE SAFEPAK** by filling out the Form and we'll send you our secure, USPS prepaid envelope so you can safely ship us your **scrap gold and scrap silver**. We'll ensure you get the highest cash payment available, but if you're unhappy with the price we quote, we'll safely return your items.

**GOLD CALCULATOR**

Gold Silver Diamonds

? Weight 0 g

? Karats 14K

= \$0

Today's Gold Price: \$1970.60/oz

Estimate does not reflect payout

**\$159,217,855**

**PAID TO DATE**

**Get a 10% Bonus Today!**

**1 How do you want to ship your items?**

☐ USPS Mailer (Fast)

☐ FedEx Label (Fastest)

**2 Contact Information**

First Name Last Name

E-mail Phone No.

**GET PAID TODAY**

By clicking "GET PAID TODAY" you agree to Cash for Gold USA [terms & conditions](#).

powered by Cash For Gold USA

91. Once again, a green arrow connects the Gold Calculator to the “GET PAID TODAY” button.

92. The fine print stating “*Estimate* does not reflect payout” and the positioning of the Gold Calculator leads consumers to believe that it will provide at least an approximation of the offered payout price.

93. When the information is entered into the “Gold Calculator,” a total appears next to the “=” button, along with a clickable brightly colored button that states “SELL

NOW? Get 10% BONUS.” When the button is clicked, an order form appears. Below is a screenshot.

94. These representations and those surrounding the Gold Calculator lead consumers to believe that the displayed price is at least an approximation of the offered payout price.

95. In a section of the website titled “WHERE TO SELL YOUR GOLD (AND HOW TO GET THE MOST FOR IT!)”, CashForGoldUSA further misleads consumers into believing that the Gold Calculator will provide an approximation of the offered payout price and that the offer will be within 3% to 5% of the spot price of gold. *See* Ex. 4-14.

96. That section of the website states the following, in relevant part:

- **More tools for your benefit:** Our gold buying company offers a convenient online calculator that can help you estimate the rough value of your items. If you decide not to pursue an official quote, you've saved yourself the hassle of mailing and returns.

97. The above statement invites consumers to use the Gold Calculator for an “estimate” of “the rough value of [the] items.” The next sentence implies that the value

returned by the Gold Calculator will approximate the “official quote” from CashForGoldUSA.

98. In that same section of the website, CashForGoldUSA states the following, in relevant part:

### How Do I Check The Current Price Of Gold?

The market price for gold fluctuates and can rise or fall rather quickly. If you want to know the price of gold at a given time, you can generally find up-to-date information on U.S. gold values via an online search. If you're using the information to estimate how much you can **sell your gold** for, you can also find the current market price of gold bullion at the top of our online gold calculator.

### How Do I Calculate the Amount of Cash I Can Get for Gold Right Now?

You can estimate the amount you can make from selling your gold using the weight of the item, the purity of the gold, and the current market price for pure, 24k gold bullion (make sure you use the same unit of measurement for both weight and price). If the item is made from 24k gold, you can simply multiply its weight by the current market price. If the item is not made from 24k gold, you'll need to multiply again by the percentage of pure gold in the material.

For example:

- You weigh a 24k gold chain at 18 grams. It's August 28<sup>th</sup>, 2020, and the current market price is \$67.79 per gram.  $\$67.79 \times 18 = \$1,220.22$ .
- The chain is made from 18k gold instead. With 18k, this means the material contains approximately 75% pure gold.  $\$1,220.22 \times 0.75 = \$915.17$ .

If you don't want to do all that math, you can skip all of that effort by going directly to our **online gold calculator**. Just put in the weight of your item and the purity of the gold, and our calculator will do the rest.

99. The above statements invite consumers to use the Gold Calculator for an estimate of their payout and to “Calculate the Amount of Cash [they] Can Get for Gold Right Now.”

100. In that same section of the website, CashForGoldUSA states the following:

**How Do Different Buyers' Prices Compare to One Another?**

Different gold buyers offer different rates, so it's very important to compare prices and get an idea of what you can expect before you sell. Buyers start by determining the base market value of your gold items using its karat weight and the market price of gold at the time. However, the amount you'll actually be offered depends on what percentage of that value the buyer is willing to pay you for it. A buyer that is focused on minimizing costs will probably offer a lower percentage than a buyer focused on competing for customers.

For reference, traditional gold buyers commonly make around 20% on a gold transaction. Online gold businesses face more pressure from competition and have less overhead, so they can take as little as 3-5% and still be profitable.

101. The above statement leads consumers to believe that unlike “traditional gold buyers [who] commonly make around 20%,” an *online* gold business like CashForGoldUSA “can take as little as 3-5% and still be profitable.” Accordingly, consumers expect the offered payout price will be within 3% to 5% of the spot price of gold.

102. As set forth above, consumers also expect to receive a 10% bonus, which is prominently advertised in numerous locations on the website.

**B. CashForGoldUSA Publishes False and Misleading Statements About the Gold Calculator on a Standalone Website Owned by CashForGoldUSA**

103. In addition to CashForGoldUSA.com, CashForGoldUSA publishes a standalone website located at <https://goldvaluecalculator.com>, which attempts to convince consumers to use the Gold Calculator and provides instructions on how to embed the calculator on their own websites. Relevant portions of the standalone website are attached hereto as **Exhibit 5**.

104. The website is owned and operated by CashForGoldUSA.

105. The website pretends to look like an independent website. It does not publish CashForGoldUSA's logo and sparsely refers to CashForGoldUSA by name. However, the website admits that CashForGoldUSA is the owner by stating, amongst other things, (1)



“*we’ve* developed online cash for gold calculator”; and (2) “*Cash for Gold USA* is happy to do its part to protect customers. This cash for gold calculator is just one way *we* try to make the process easier, simpler, and more profitable for all.” (emphasis added).

106. The Gold Calculator is embedded on the website in multiple locations and leads to CashForGoldUSA.com when the “SELL NOW? GET 10% BONUS” button is clicked. Underneath the Gold Calculator is a partially hyperlinked statement that reads “powered by Cash for Gold USA.”

107. The website makes numerous misleading and deceptive statements about what consumers can expect after sending their gold items to CashForGoldUSA, including the following (with emphasis added):

- a. “It’s beneficial for you to use this calculator because it will help you understand how much your gold is *really worth before you try to sell it* on the market so that you can get a *fair price* for your gold.”
- b. “Cash for Gold USA is happy to do its part to *protect customers*.”
- c. “With this cash for gold calculator at your fingertips, you will no doubt find it easier and faster to figure out how *much your gold is worth and what you should be expecting from reputable gold buyers*.”
- d. “With this handy tool, you can figure out *how much* your gold jewelry, gold bars, or even what your scrap gold price *should be*.”
- e. “Be sure to spread the word about this calculator – nobody should be *swindled when they are selling gold!* Together, we can work to ensure that those who are selling their gold are *protected* and everybody gets a *fair profit* for their wares.”
- f. “Cash for Gold USA is happy to do its part to *protect customers*. This cash for gold calculator is just one way we try to make the process easier, simpler, and *more profitable* for all.”

108. Additionally, by dedicating a section of the website encouraging consumers to embed the “Free and Easy!” “Gold Calculator on their personal websites, CashForGoldUSA



creates a mechanism to generate more customers based on the misleading premise they are a “reputable” gold buyer that offers consumers a “fair profit for their wares.”

**C. CashForGoldUSA’s Offered Payouts are a Small Fraction of the Amount Stated on the Gold Calculator**

109. From 2020 to 2022, Plaintiff and its hired private investigator conducted several test transactions to determine CashForGoldUSA’s offered payout price compared with the spot price.

110. A customer service representative of CashForGoldUSA stated that it typically offers between 70% and 90% of the spot price of gold. However, from 2020 to 2022, in six test transactions involving measured quantities of gold, CashForGoldUSA offered approximately 30%, 33%, 33%, 33%, 36% and 42% of the spot price of gold. These offers *included* purported “bonuses” of 10% in five cases and \$50 in another.


111. These offers do not come close to an approximation of the displayed Gold Calculator price or within the advertised 3% to 5% of the spot price of gold.


112. The results of these test transactions are confirmed by numerous consumers on the internet complaining about “low ball” offers and deceptive pricing. Screenshots of online consumer complaints about “low ball” offers are attached hereto as **Exhibit 6**.

113. From September 2020 through March 2022, at least eight customers who contacted Plaintiff were enticed and deceived by CashForGoldUSA’s Gold Calculator. Several customers asked Plaintiff to match the price displayed on the Gold Calculator, believing it to be the actual payout offer from CashForGoldUSA. On one occasion, Plaintiff lost a customer when she asked for her items back due to the amount depicted on the Gold Calculator. Highlighted excerpts of these customer communications are attached hereto as **Exhibit 7**.

114. Additionally, three consumers recently complained about the Gold Calculator on Google and TrustPilot.



115. In response to a Google review from Julie Howell, CashForGoldUSA astonishingly *admits* the Gold Calculator is “confusing” and states that “it is most helpful when someone needs to understand the resale value for insurance purposes.” No such representation exists anywhere else on the internet. In fact, the company’s reply is contrary to the numerous representations above indicating the Gold Calculator will approximate the offer. Below are screenshots.


**LISA KNIPPER DORGER**  
 2 reviews · US


Mar 15, 2022

**They have a calculator in their website...**

They have a calculator in their website that shows true value of gold; however, they take about 40% of that. They are deceptive and not honest. It takes more than a week to get your gold back.

 Useful 2
  Share


**Vanessa Santiago**  
 5 reviews
 

a month ago
 Like
 

**Julie Howell**  
 6 reviews
 

a month ago
 1
 
**Response from the owner** 3 weeks ago  
 Thank you for your feedback, Julie. We understand it can be confusing, it is most helpful when someone needs to understand the resale value for insurance purposes. We will take your feedback into consideration.

116. CashForGoldUSA has actual knowledge that the “estimate” displayed on the Gold Calculator is nowhere close to the actual offer, even with the supposed 10% bonus applied. CashForGoldUSA has actual knowledge that the Gold Calculator is false and misleading. Despite this knowledge, CashForGoldUSA actively deceives consumers by misrepresenting the meaning of the Gold Calculator and a purported 10% “bonus.”

**IV. CashForGoldUSA Misrepresents and Overstates the Results of a Stale and Outdated Local News Segment that Aired Over Twelve Years Ago Using it to Claim that CashForGoldUSA Currently Pays “Three Times More” Than Competitors, Provides the “Highest Payouts,” and is the “Top Gold Buyer” in the Country**

117. In 2009, Fox 5 DC, a local Washington, D.C. Fox affiliate, aired a segment wherein it claimed to have compared the prices offered by three different mail-in precious metals dealers by mailing the same necklace to each one (hereinafter, the “Fox 5 Segment”).

118. The three mail-in precious metals dealers were BrokenGold.com, Cash4Gold.com, and CashForGoldUSA. The purported offers are depicted in the below screenshot.



119. Brokengold.com is no longer operational. Its website was last updated in 2008. When called, the number leads to a real estate company.

120. Cash4gold.com went insolvent in 2012 and its assets were purchased by Direct Holdings Global. In fact, CashForGoldUSA was “[a]mong those interested in purchasing the

assets.”<sup>7</sup> Today, the website serves as a landing page for GoldFellow.com.

121. Accordingly, not only is the Fox 5 Segment outdated, but the tested companies are no longer “the competition” in 2022—and CashForGoldUSA has known this for quite some time.

122. Despite these verifiable facts and a request by Plaintiff to discontinue use of the Fox 5 Segment, CashForGoldUSA continues to unlawfully disseminate false and misleading statements about the Fox 5 Segment in a concerted campaign to deceive consumers.

123. On its homepage, CashForGoldUSA prominently displays an embedded video clip of the outdated Fox 5 Segment and states “FOX NEWS found we paid 3X more than our competitors in an undercover investigation. watch:”. Below is a highlighted screenshot.



124. The above statement is literally false on its face, because the Fox 5 Segment *did*

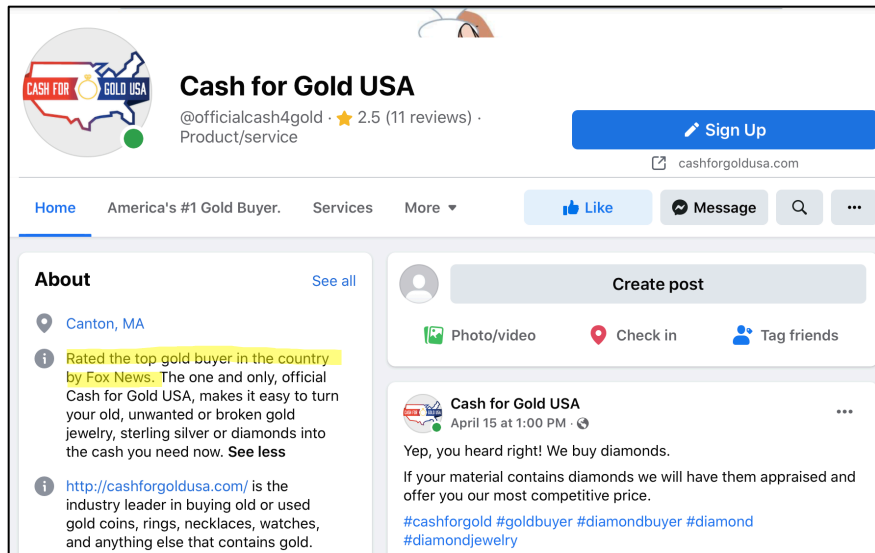
<sup>7</sup> Primack, D. (2012). Pennies for Cash4Gold – Fortune. Retrieved 25 April 2022, from <https://fortune.com/2012/10/26/pennies-for-cash4gold/amp/>

*not* find that CashForGoldUSA pays “3x more than [its] competitors.” The Fox 5 Segment claims that CashForGoldUSA paid only **1.76 times more** than BrokenGold.com and **1.8 times more** than Cash4Gold.com. *Three* times more would have been closer to \$20.

125. Despite the foregoing, CashForGoldUSA publishes the following non-exhaustive list of false and misleading statements connected to the Fox 5 Segment on CashForGoldUSA.com:

- a. “We pay 3 times more cash for gold than our competitors, as confirmed by Fox Business News.” *See* Ex. 4-13.
- b. “We pay about 3 times more than other online gold buyers, as confirmed by Fox Business News.” *See* Ex. 4-16.
- c. “Cash for Gold USA guarantees that it will pay more than anyone else in the cash for gold industry. This has been demonstrated in two different independent studies; one conducted by Fox News and one conducted by CashforGold-Scam.com.” *See* Ex. 4-21.
- d. “Fox News Found We Pay 3x MORE than the Competition!” *See* Ex. 4-21.
- e. “Fox News undercover investigation discovered we typically pay out 3x more than our biggest competitor. That’s why we were named one of Inc. 500’s fastest-growing companies in the United States.” *See* Ex. 4-25.
- f. “In an undercover investigation, FOX News found that we pay 3x more cash than the competition.” *See* Ex. 4-24 and 4-30.

126. CashForGoldUSA states that it is “Rated the top gold buyer in the country by Fox News” on Facebook and on its curated review website Shopper Approved. Below are highlighted screenshots.



**ShopperApproved** Are you a Business?

## cashforgoldusa.com Reviews

★★★★★ 5.0 348 Reviews [Visit Website](#)

**Overview** Company Reviews

### 348 Customer Ratings and Reviews

Shopper Approved collects trusted reviews from customers who have made a verified purchase.

**5.0**  
★★★★★  
OVERALL STAR RATING

Star Rating	Count	Percentage
5 ★	341	(98%)
4 ★	5	(1.4%)
3 ★	1	(0.3%)
2 ★	1	(0.3%)
1 ★	0	(0%)

**Customer Service**  
4.9 ★★★★★  
[SHOW DETAILS](#)

**About this Company**  
Rated the top gold buyer in the country by Fox News, Cash for Gold USA makes it easy to turn your unwanted or broken gold jewelry, sterling silver or diamonds into cash. With over \$50 Million in payouts, Cash for Gold USA is the most trusted name in the business. They're members of the prestigious INC 500 and offer a 100% Satisfaction Guarantee. If for any reason, you are unhappy with their appraisal, they will return your valuables to you. No questions asked. Why you should choose Cash for Gold USA:  
• A Rating on the BBB

127. CashForGoldUSA advertises in its Google search results that it pays three times more than competitors and offers the highest payouts. Below are highlighted screenshots.

Ad · <https://www.cashforgoldusa.com/> ⓘ

**Get 3x More Cash For Your Gold - Guaranteed Highest Payouts**

In Business For Over 30 Years. **Get 3x The Cash For Your Gold!**

★★★★★ Rating for cashforgoldusa.com: 5.0 - 44 reviews

**Check Our Prices**

The Price of Gold is Record High! Now is the Time to Sell for Cash

**Get the Highest Payout**

We Offer 3x More Cash Than the Competitors and Pay Within 24 Hours

Ad · <https://www.cashforgoldusa.com/> ⓘ

**Get Cash for Your Gold Online - We Pay 3x More Cash**

We Are In The Gold Business - No Middleman - More Cash To You. Over \$50 Million Paid.

★★★★★ Rating for cashforgoldusa.com: 5.0 - 44 reviews

[Check Our Prices](#) · [Get the Highest Payout](#) · [What We Buy](#) · [Gold Price Chart](#) · [Top Payouts](#)

Deal: 100% off Shipping Your Items

Ad · <https://www.cashforgoldusa.com/> ⓘ

**Cash for Gold USA - Get Paid 3x More Cash**

We Will Pay You More for Your Gold and Match Any Competitors Offer...

★★★★★ Rating for cashforgoldusa.com: 5.0 - 44 reviews

**Check Our Prices**

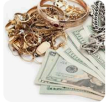
The Price of Gold is Record High! Now is the Time to Sell for Cash

**Get the Highest Payout**

We Offer 3x More Cash Than the Competitors and Pay Within 24 Hours

**What We Buy**

We Pay Top Dollar for Gold, Silver, Diamonds, and More. Get Paid Today!

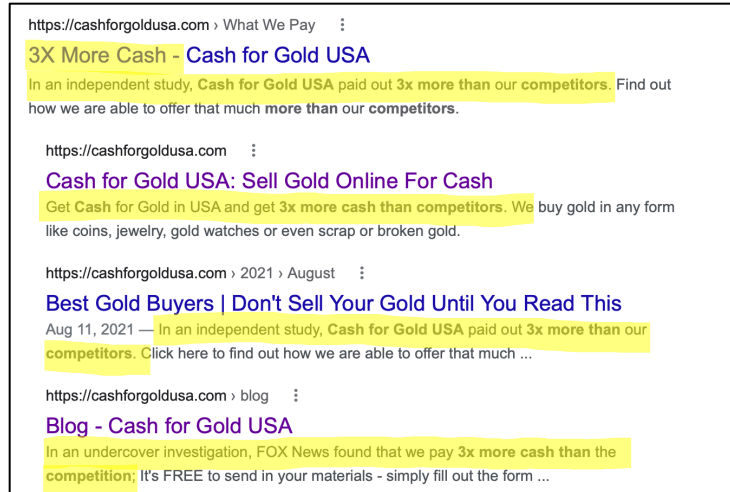


**We Pay 3-Times More than Other Buyers...and FASTER!**

On the bottom line, this allows us to give you the absolute maximum for your broken and unwanted precious metal jewelry because we don't have to deduct brokerage fees or refinery charges.

<https://cashforgoldusa.com> › [What We Pay](#) ⓘ

**3X More Cash - Cash for Gold USA**



128. On its Facebook page, CashForGoldUSA publishes an advertisement that states “WE PAY 3X MORE THAN COMPETITORS” and posts the following statement above it: “That’s right, we pay not double but triple what the competitors would give you. All done in a simple 3 step process!” Below is a highlighted screenshot.





129. In its printed appraisal kits, CashForGoldUSA uses the Fox News logo alongside the statement, “FOX NEWS found we pay 3X MORE than our competitors in an undercover investigation.” Below is an excerpt from the printed appraisal it.



130. CashForGoldUSA has published and/or caused to be published variations of its deceptive claim to superiority based on the Fox 5 Segment, concealed and failed to prominently display the 2009 broadcast date, and misrepresented the source and content of the Fox 5 Segment.

131. CashForGoldUSA has aggressively and deceptively deployed the Fox 5 Segment, concealed and failed to prominently display the original broadcast date, and exploited Fox’s goodwill to convey the false impression that CashForGoldUSA is *currently* and actually rated the top competitor in the country even though the Fox 5 Segment aired over twelve years ago and did not name CashForGoldUSA the top competitor in the *country*.

132. CashForGoldUSA has exploited Fox News’s goodwill by stating that the nationally known “Fox News” and “Fox News Business” conducted the investigation when it was really a local Washington DC affiliate.

133. CashForGoldUSA misrepresents the results of the twelve-years old investigation by making it appear that the Fox 5 Segment involved the current top competitors

in the industry when cash4gold.com and brokengold.com no longer exist, and by overstating the significance of a miniscule sample size.

134. Several potential customers contacted Plaintiff and confirmed they were enticed and deceived by claims of superiority from the Fox 5 Segment, believing them to be an accurate representation of CashForGoldUSA's standing in the marketplace. Multiple customers believed that CashForGoldUSA pays three times more than its current competitors. Highlighted excerpts of these customer communications are attached hereto as **Exhibit 8.**

135. Additionally, Plaintiff located an appraisal request dated October 22, 2020 from Barry Schneider, part owner of CashForGoldUSA. The address on file matched CashForGoldUSA's company address. In that transaction, Plaintiff offered and paid over 70% of the market value of a gold ring.

136. Thus, CashForGoldUSA has actual knowledge that Plaintiff paid over 70% of the market value while CashForGoldUSA's offers approach nowhere near that amount, as confirmed in numerous test transactions and online complaints. CashForGoldUSA knows that its claims to superiority are false, including claims that it has the highest payouts, pays the "most," and "3x more" than competitors.

137. Accordingly, the numerous pronouncements concerning the outdated, stale, and irrelevant Fox 5 Segment are false and misleading and meant to lure consumers into doing business with CashForGoldUSA.

**V. CashForGoldUSA Advertises a Deceptive and Misleading "5-Star Customer Rating" that is Entirely Based on Handpicked Reviews from Satisfied Customers**

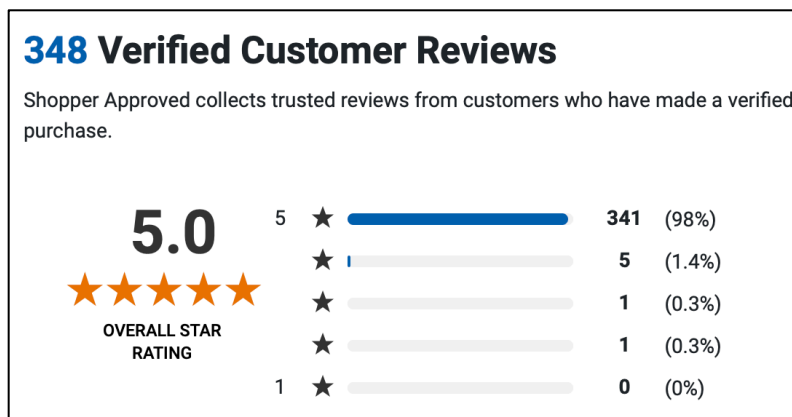
138. CashForGoldUSA.com states that CashForGoldUSA has a "5-Star Customer Rating." Additionally, CashForGoldUSA.com prominently displays the following at the top

of each section:



139. The purported “5-Star Customer Rating” is derived from customer reviews submitted through a *paid* third-party review provider called Shopper Approved.

140. As of April 17, 2022, of the 348 “verified” customer reviews, 341 of them are 5-stars, 5 are 4-stars, 1 is 3-stars, 1 is 2-stars, and 0 are 1-star. Below is a screenshot.



141. As of January 26, 2022, “Cash for Gold USA” had 28 Google reviews with a 1.6 star average rating. As discussed below, shortly after the removal of the Fraudulent Website from the internet, CashForGoldUSA curiously removed its Google Review page and replaced it with a new one. As of April 17, 2022, the “new” Google Review page has 20 Google reviews with a 4.9 star average rating.

142. As of January 26, 2022, “CJ Environmental, Inc.” had 39 total Google reviews with a 1.9 star average rating. Ever since the removal of the Fraudulent Website from the internet, the company has curiously received an additional 49 reviews as of April 17, 2022—most of them 5 stars. As of April 17, 2022, CJ Environmental, Inc. now has 88 reviews and a 3.5 star average rating.

143. Further, as of April 17, 2022, 14% of the 115 Trustpilot reviews are 1-Star reviews, 4 out of 6 Sitejabber reviews are 1-star, and the Better Business Bureau had 49 complaints closed in the last 3 years and 11 complaints closed in the last 12 months.


144. Accordingly, not only is CashForGoldUSA gaming its Google reviews, but it strains credulity that CashForGoldUSA would have *zero* 1-star reviews, *one* 2-star review, and *one* 3-star review in the Shopper Approved reviews prominently advertised on CashForGoldUSA.com.

145. This is because CashForGoldUSA uses a “gamed” Shopper Approved review system to counteract the negative reviews it receives online.

146. CashForGoldUSA is not a typical business that *receives* payment *from* customers for items or services. Instead, it *sends* payments *to* customers who decide to accept CashForGoldUSA’s payout offers. CashForGoldUSA is able to achieve a “5-Star Customer Rating” on Shopper Approved, because the system cannot be accessed by those who do not transact with the merchant. Thus, consumers who reject insultingly low payout offers have no option to leave a review in the Shopper Approved review system, because they were never considered “customers” in the first place.


147. Numerous consumer complaints reference the inability to leave a review with Shopper Approved. Screenshots of consumer complaints are attached hereto as **Exhibit 9**.

148. A review from “Robert L.” confirms that he accidentally accepted a “low ball” offer and the Shopper Approved review system would not allow him to leave a 1-star, 2-star, or even a 3-star review. Below is an annotated screenshot.



Robert L.  
 3 reviews • 5 helpful votes

**Don't be taken in by 4 and 5 star reviews for cashforgoldUSA, they filter their reviews.**


 August 4th, 2020

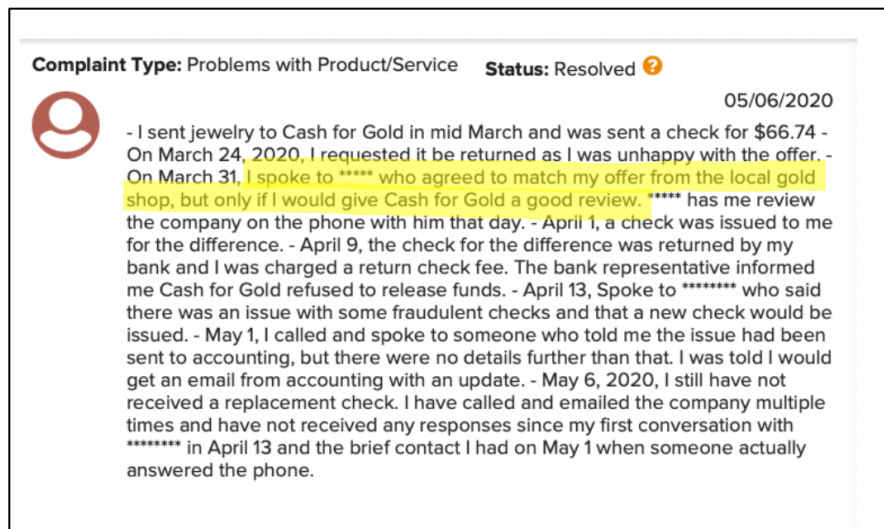
With gold at record levels I decided to sell some scrap gold I had. Unlike many uninformed consumers we are a commercial business with digital scales, the means to assay gold, and we keep up with current gold spot prices. First it took about 5 days to get the "mailer" which is very small. I had a hard time fitting everything in the supplied mailer. Second, the mailer goes USPS which took almost 4 days from VA to Mass and the same on the return trip back. At the time the mailer was received the spot price of gold was over \$2K. To determine gold value using grams, it's 28 grams to an ounce, or 31.01348 grams for a Troy ounce. Take the spot value divided by the gram amount of gold you have, equals the value for 24K, to determine value at 18k take the 24K value times. 750, equals the value at 18K, for 14K the gram value times. 585. Bottom line is I already had the weights and approximate value determined before I sent the gold. The amount offered by cashforgoldUSA, initially was below 50% of the spot value for gold! I actually hit the accept button on the acceptance email by accident but emailed them immediately to tell them I wanted my items back, the offer was a ripoff... crickets, zip, nothing. They would not return my emails. I called and they answered the call, after giving my name they asked me why I wanted my things back and I told them they were trying to rip me off. We went back and forth and they offered a little more for specific items which I agreed to. Not because it was great or fair offer, but because I just wanted to be done with these people. Out of state law suits are not profitable ventures for items less than 15-20K dollars, and they recognize this. You would have to fight with them in Mass. Courts. So you read the great 4 and 5 star reviews... me too. Here's how they get those. Ever wonder why there are no reviews under 4 stars. Not because everyone is so happy with their deals. After they send you the offer and you accept, like lightning they send an email asking for a review. I tried to post one with 1 star, multiple times... would not go through, 2 stars same outcome, 3 stars, same. So they only accept 4 and 5 star ratings, making it harder to get an honest review of this place. Go to ripoff reports or the complaint board and you'll get a better understanding of this business. I would not recommend this business to anyone. RUN AWAY from these axxhats! Don't believe the claim they pay 3x more than anyone else in this business. Absolute B. S, I happen to know that is a lie, they do not! I forgot, so you remember: "if it's too good to be true, it probably is". That said there are some honest, fair gold buying sites online. Unfortunately based on my experience, cashforgoldUSA is NOT one of them.

[Show less](#)

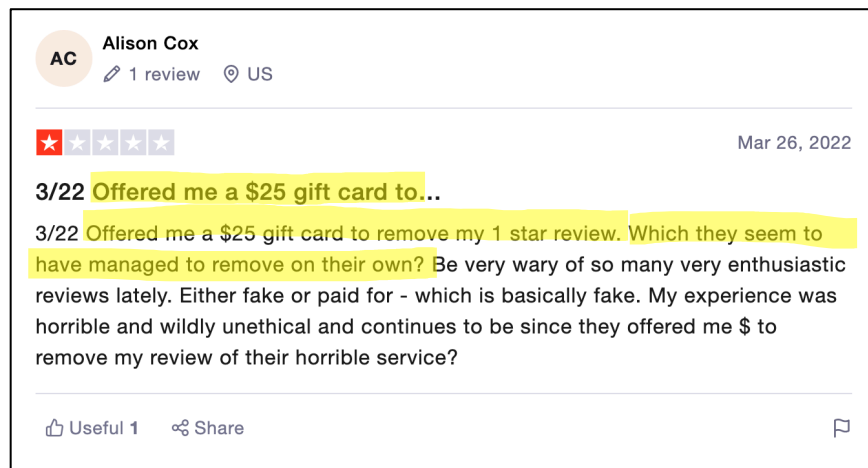
149. Additionally, potential customers have confirmed to Plaintiff that they were unable to leave reviews on CashForGoldUSA's Shopper Approved review system.

150. Incredibly, one consumer states in a Better Business Bureau complaint that CashForGoldUSA "agreed to match my offer from the local gold shop, but only if I would give Cash for Gold [USA] a good review." Below is a highlighted screenshot.

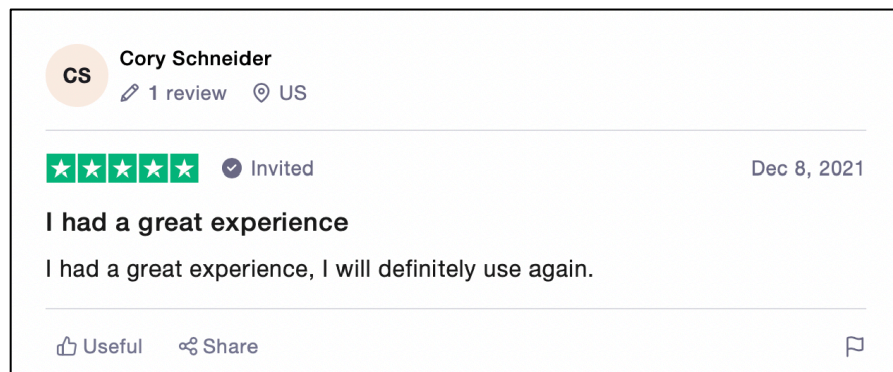
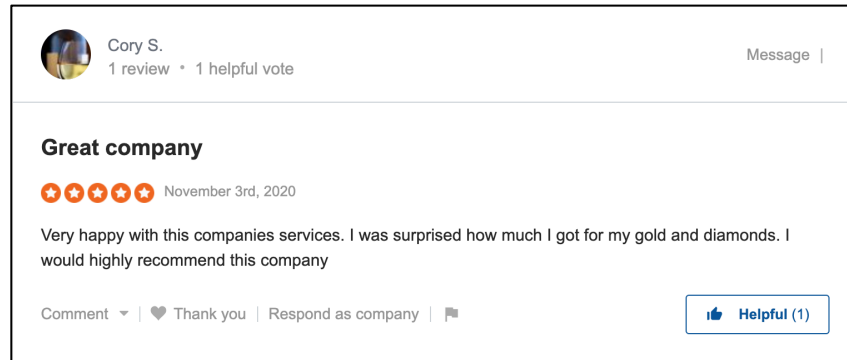
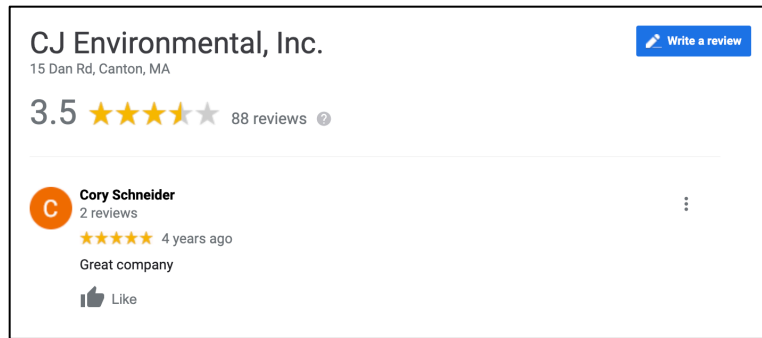




151. Another customer confirms that CashForGoldUSA offered her a \$25 gift card if she removed her 1-star review, which, she states, “they seem to have managed to remove on their own.” Below is a highlighted screenshot.



152. CashForGoldUSA is so desperate to counteract negative reviews it appears that its own Vice President Cory Schneider brazenly posts fraudulent 5-star reviews on Google Reviews, Sitejabber.com, and TrustPilot.com. Below are screenshots.



153. One of the above reviews is an “invited” review posted on TrustPilot. In other words, it purports to come from an actual customer. Accordingly, it is unknown how many of the dozens of “invited” TrustPilot reviews are similarly fraudulent.

154. Thus, upon information and belief, the Shopper Approved Reviews and other internet reviews likely include numerous phony ratings to pump up CashForGoldUSA’s standing.



155. Accordingly, CashForGoldUSA uses a deceptive and misleading ecosystem of handpicked and fraudulent reviews to lure consumers into believing it is a highly rated reputable company when it is not.

**VI. CashForGoldUSA Deceptively Removed and Replaced its Google Review Page**

156. As of January 26, 2022, CashForGoldUSA's Google Review page had 28 reviews and a 1.6 star average rating.

157. Shortly after the removal of the Fraudulent Website from the internet, CashForGoldUSA curiously removed its Google Review page and replaced it with a new one. A publicly "clean slate" for its questionable reputation.

158. Within days of its creation, as of February 23, 2022, the "new" Google Review page already had 8 reviews and a 4.9 star average rating. As of April 17, 2022, it has 20 reviews and a 4.9 star average.

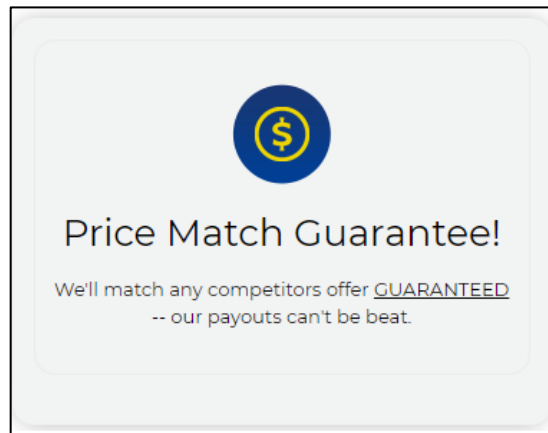
159. Upon information and belief, based on a test transaction conducted by Plaintiff, CashForGoldUSA's representatives ask customers if they had a favorable experience. CashForGoldUSA sends a link to the "new" Google Review page and asks for reviews *only if* the customer responds favorably.

160. Additionally, upon information and belief, based on the ongoing deceptive conduct alleged herein, it is likely that some of the reviews are phony.

161. Accordingly, the scrubbing and replacement of the "old" Google Review page is yet another deceptive act by CashForGoldUSA to trick consumers into believing that CashForGoldUSA has a favorable standing in the marketplace.

**VII. CashForGoldUSA Advertises a Non-Existent "Price Match Guarantee"**

162. CashForGoldUSA prominently advertises a “Price Match Guarantee” on the homepage of CashForGoldUSA.com. Below is a screenshot.



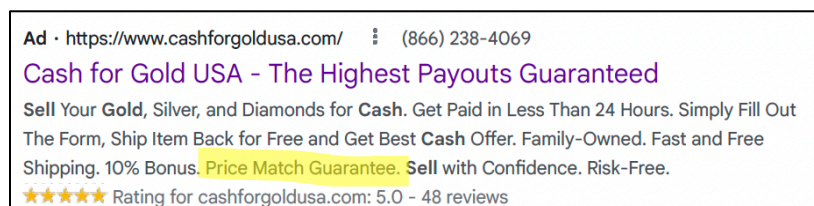
163. CashForGoldUSA prominently states “We Pay More Than Our Competitors—Guaranteed” in the “Gold Price Today in the USA” section of the website. Below is a screenshot.

A screenshot of a website section titled "Our Prices". The text is in a bold, dark blue font and reads: "Our Prices", "We Pay More Than Our Competitors", and "— Guaranteed". The text is enclosed in a black rectangular border.

164. Directly below the above statement, CashForGoldUSA states that “Cash for Gold USA guarantees that it will pay more than anyone else in the cash for gold industry.”

165. There are no disclaimers about these statements located anywhere near them.

166. CashForGoldUSA propagates the “Price Match Guarantee” by advertising it in Google search results. Below is a highlighted screenshot.



167. However, buried deep in a separate terms and conditions page,<sup>8</sup> CashForGoldUSA displays the following text concerning its purported “Price Match Guarantee” (highlighted):

14. Price Match Guarantee. We guarantee to pay you the most competitive price for your item(s) and agree to match any competitor's offer in the United States. In order for us to match a competitor's price, you must provide a written offer from the competitor which can come in the form of a signed and dated document or an email. In the unlikely event we are unable to match a competitor's price, we reserve the right to return your item(s) to you free of charge.

168. This statement buried deep on a separate terms and conditions page contradicts CashForGoldUSA's material representation that it will “match any competitors offer GUARANTEED” and that its “payouts can't be beat.”

169. Additionally, as stated in paragraph 150 herein, on at least one occasion, CashForGoldUSA placed an undisclosed condition on this purported “guarantee” by forcing a customer to leave a positive review before agreeing to match a competitor's price.

170. Accordingly, CashForGoldUSA's “Price Match Guarantee” is not a guarantee at all. It is a false and misleading statement meant to lure consumers to conduct business with CashForGoldUSA.

### **VIII. CashForGoldUSA Advertises a Non-Existent “Gold Price Maximizer” Guarantee**

171. In response to a cease-and-desist letter, it appears that CashForGoldUSA has discontinued publication of a fraudulent “Gold Price Maximizer.” However, CashForGoldUSA's deceptive conduct is entirely relevant to its overall fraudulent scheme and it should be held liable for its years of deception.

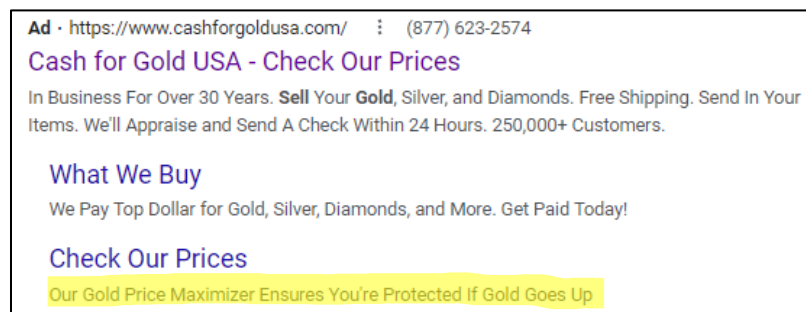
<sup>8</sup> Available at <https://cashforgoldusa.com/terms/>

172. The “Gold Price Maximizer” was a vague and impossible commitment made to consumers.

173. Before it was deleted from the website, CashForGoldUSA described the “Gold Price Maximizer” as follows:

“In addition to our industry leading payouts, we offer a Gold Price Maximizer. This means that if the price of gold goes up at any time in the 30 days after your check is written, we will send you an additional check for the current market value of your materials.”

174. Before deleting it from the website, CashForGoldUSA prominently advertised its “Gold Price Maximizer” commitment by and through paid Google Ad Words placements. Here is an example:



175. In test transactions conducted by Plaintiff in 2020 and 2021, CashForGoldUSA did not send additional checks when the price of gold increased in the thirty days after the initial checks were written.

176. In one instance, CashForGoldUSA’s representative confirmed the terms of the “Gold Price Maximizer” but it was still never paid.

177. Additionally, the “Gold Price Maximizer” commitment is vague, misleading, and impossible to honor in the first place. It is not clear from CashForGoldUSA’s statement under what circumstances it would send a follow-up check.

178. Based on the language used, CashForGoldUSA should have sent a check if the price of gold increased at any point during the thirty days after a payout check was issued—even if the price subsequently dropped within those thirty days. If the price went up on multiple days, it is conceivable that CashForGoldUSA would have issued multiple subsequent checks to a consumer. Many of these checks would have been for pennies.

179. CashForGoldUSA could not have honored the “Gold Maximizer” and it was a false and misleading representation that deceived consumers and lured them away from competitors like Plaintiff.

**IX. CashForGoldUSA Uses its Own Websites and Affiliate Marketing Websites to Repeat and Flood the Internet with the Foregoing Deceptive and Misleading Claims**

180. CashForGoldUSA owns and operates CashForDentalScrap.com, CashForDiamondsUSA.com, and CashForSilverUSA.com; and republishes the foregoing false and misleading statements on these websites and in their internet search descriptions.

181. Additionally, CashForGoldUSA publishes a registration form on CashForGoldUSA.com, which allows third party websites to register as affiliate marketers.

182. CashForGoldUSA states that it “offer[s] an aggressive affiliate marketing program that rivals [its] competitors.”<sup>9</sup>

183. Using the unique identifying “CID” tracking numbers previously discussed herein, these third parties are compensated by CashForGoldUSA for all completed transactions sourced from their websites.

184. CashForGoldUSA has numerous affiliate marketing relationships with third party websites. The most notable examples are defendant WealthySingleMommy, Survive

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<sup>9</sup> Available at <https://cashforgoldusa.com/affiliate-registration/>

Divorce, Top Consumer Reviews, Mega Income Streams, GOBankingRates, and Millennial Money.

185. Additionally, CashForGoldUSA has “sponsored” articles in online newspapers, including the San Francisco Examiner.

186. These websites have sections dedicated to marketing CashForGoldUSA’s services. Example screenshots of deceptive statements re-published by these websites are attached hereto as **Exhibit 10**.

187. For example:

- a. WealthySingleMommy parrots the fraudulent Paid to Date counter by stating CashForGoldUSA “has paid out more than \$158 million” and then “more than \$165 million in payouts to customers.” *See* Ex. 10, pp. 1, 2, and 4.
- b. The websites refer to the Gold Calculator and make it appear as if it will provide an accurate approximation of the anticipated payout.
- c. The websites refer to the deceptive and non-existent 10% “bonus.”
- d. The websites refer to the defunct Fox 5 Segment by calling it “Fox News” or “Fox Business News” and state that CashForGoldUSA pays “3X” its competitors.
- e. The websites refer to the deceptive and misleading “Price Match Guarantee” and guaranteed “Highest Payouts.”
- f. The websites refer to the non-existent “Gold Price Maximizer.”

188. The statements published by these websites appear in Google search descriptions, and further mislead consumers who typically have little to no experience selling their gold items online.

189. The CashForGoldUSA.com website states that CashForGoldUSA provides “tested and proven marketing materials” to its affiliates, including “Tested and Proven Ad

words Samples,” “Videos,” and “Creative Banner Ads.”<sup>10</sup> Below is a highlighted screenshot.

**Sign Up Today Risk-Free. It's Fast, Easy And Reliable!**

No online **gold buyer** generates more cash for their **affiliates** than **Cash for Gold USA**. As an affiliate, you bring sellers to our website and we pay you more than anyone else in our industry. Sellers can be people you know personally or can be developed online. Either way, you profit as an affiliate.

Our proven affiliate program provides you with the potential to **earn thousands** in monthly commissions. Many Cash for Gold USA affiliates do and so can you.

**We offer you Tested and Proven marketing materials to help you earn top dollar including:**

- Creative Banner Ads
- Proven Email Letter Sample
- Tested and Proven Ad words Samples
- Tell a Friend
- Videos
- & much more...

Contact us today about becoming a Cash for Gold USA affiliate. We look forward to hearing from you and sharing the profits!

190. Accordingly, CashForGoldUSA admits that it is responsible for the content of these republished false and misleading statements, and it should be held accountable for knowingly disseminating false, deceptive, and misleading statements via third-party affiliate marketing websites visited by millions of consumers.

**X. CashForGoldUSA Colludes with WealthySingleMommy to Conduct a Sham Test Transaction for Publication on WealthySingleMommy.com**

191. WealthySingleMommy is an affiliate marketing website owned and operated by Emma Johnson.

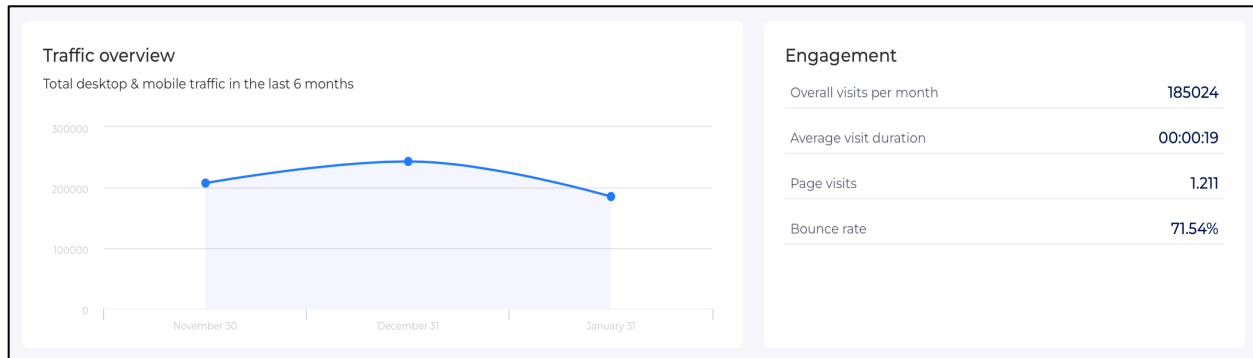
192. WealthySingleMommy partners with affiliate businesses to advertise products and services to visitors of WealthySingleMommy.com.

193. WealthySingleMommy earns a commission or referral bonus every time a visitor clicks on an affiliate link.

<sup>10</sup> Available at <https://cashforgoldusa.com/about/affiliates/>

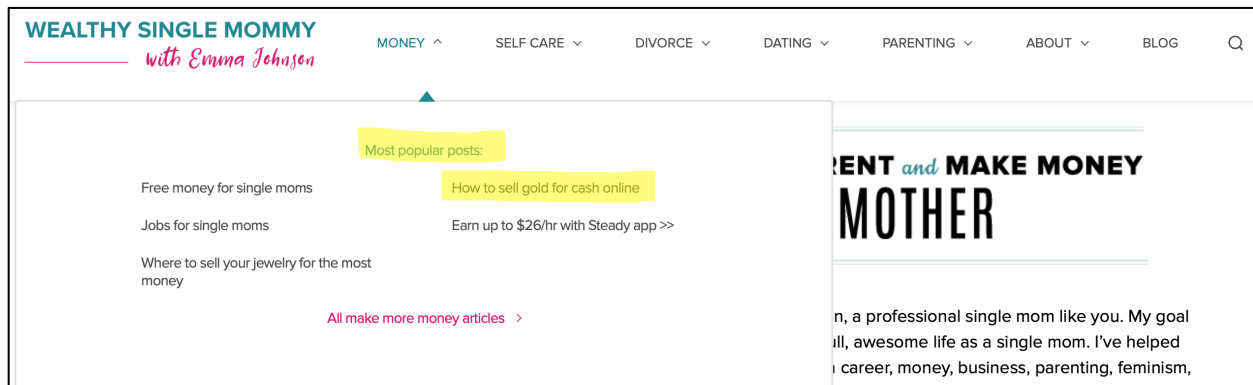


194. Pursuant to Sitechecker.pro, a website that monitors website traffic, the WSM website is heavily trafficked and averages nearly 185,000 visitors per month. Below is a screenshot of the results as of April 3, 2022.



195. WealthySingleMommy has been in an affiliate marketing relationship with CashForGoldUSA for at least two years. Thus, CashForGoldUSA receives a significant amount of site traffic from WealthySingleMommy visitors.

196. In fact, “How to sell gold for cash online” is listed under “Most Popular Posts” on WealthySingleMommy.com. Below is a highlighted screenshot.



197. When that link is clicked, the visitor is sent to a webpage located at <https://www.wealthysinglemommy.com/sell-gold/>, wherein the website states the following, with a hyperlink to CashForGoldUSA.com:

“Below is an overview for how to sell gold and also a look at the best ways to sell gold, including our No. 1 recommendation

when it comes to selling your gold, which is the **CashforGoldUSA**, which pays within 24 hours and has an A+ rating with the BBB.”

198. On this page, WealthySingleMommy confirms that “[w]e get commissions for purchases made through links in this post.”

199. On this page, as stated above, WealthySingleMommy parrots various deceptive statements about CashForGoldUSA including the following: (i) that the Gold Calculator value is an “estimate,” (ii) that CashForGoldUSA offers the “guaranteed highest price,” (iii) that CashForGoldUSA “paid out more than \$156 million to sellers since being founded in 2005,” and (iv) “Fox Business News investigation found they pay 3X competitors.” Additionally, WealthySingleMommy embeds a video of the Fox 5 Segment, does not mention the date of the “investigation” or that none of the tested companies even exist.

200. In addition to these deceptive statements, the webpage chronicles a purported mystery shopper style “experiment” conducted by Emma Johnson called “Emma’s personal experience.”

201. In the experiment, Ms. Johnson claims that she comparison “secret” shopped identical 14K, 6-gram gold chain necklaces to a local jewelry store, a pawn shop, a cash-for-gold shop, and three online gold buying companies including CashForGoldUSA.

202. Ms. Johnson claims that CashForGoldUSA provided the best offer of \$191.97. This amount is \$110 above the closest “tested” online competitor SellYourGold.com.

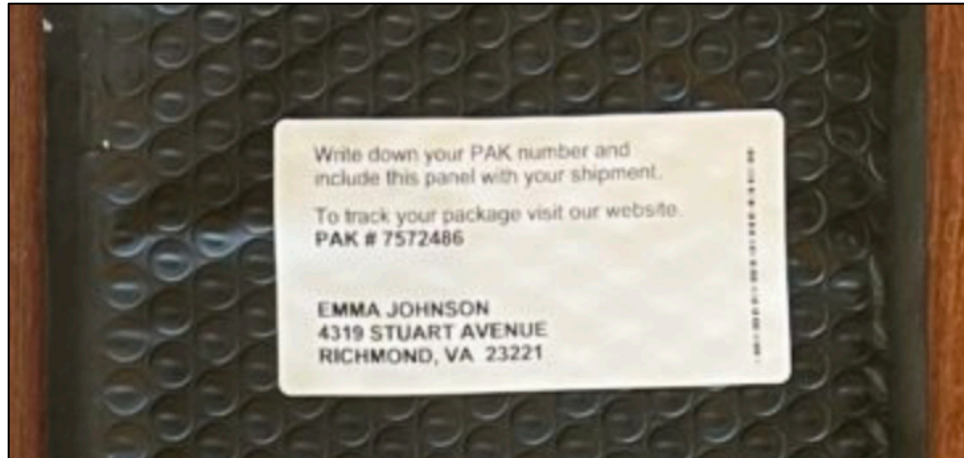
203. Another section of the website, located at <https://www.wealthysinglemommy.com/cash-for-gold-usa-review/>, provides additional details about the transaction with CashForGoldUSA. A complete copy of this website page is attached hereto as **Exhibit 11**.

204. In that section, Ms. Johnson reveals that she relied on the Gold Calculator “estimate” before shipping the necklace, which stated it was worth \$205.13. Accordingly, CashForGoldUSA’s purported offer was close to a whopping 94% of the “estimate” depicted on the Gold Calculator.

205. Ms. Johnson documented the transaction by posting various progress photos, including a photograph of CashForGoldUSA’s appraisal kit. Below is a screenshot of the posted photograph.



206. As set forth above, Ms. Johnson took care to redact the customer information from the FedEx envelope and the Ziplock bag. However, she failed to completely redact all of it. Here is a magnified screenshot of the customer information on the Shipping Pak label:



207. Clearly, WealthySingleMommy used the name and personal address of its founder “Emma Johnson” to conduct the purportedly anonymous “experiment.” Interestingly, for the other test transactions *not involving* CashForGoldUSA, Ms. Johnson states that she used “secret” shoppers.

208. As set forth above, WealthySingleMommy and CashForGoldUSA have an ongoing affiliate marketing relationship for at least two years. Additionally, Emma Johnson’s name and likeness appears all over the heavily trafficked WealthySingleMommy.com website.

209. Plaintiff hired a private investigator to replicate Ms. Johnson’s “experiment.” After conducting two test transactions, he received two paltry offers each below 35% of the Gold Calculator value. The investigator also discovered that Ms. Johnson misrepresented the attributes of the tested necklace, by falsely claiming it was similar to a specifically identified Kay Jeweler’s necklace that weighed significantly less than 6 grams.

210. Accordingly, CashForGoldUSA obviously knew the appraisal kit came from the founder of its heavily trafficked affiliate WealthySingleMommy. This explains why CashForGoldUSA offered an astonishing 94% of the Gold Calculator (market) value. CashForGoldUSA and WealthySingleMommy knew these fraudulent results would inflate

CashForGoldUSA's reputation, generate more clicks for CashForGoldUSA.com, and result in more income for both entities.

**XI. CashForGoldUSA Employs a Low-Ball Bait and Switch Scheme**

211. CashForGoldUSA uses the foregoing false, deceptive, and misleading tactics in tandem to lure consumers into sending their valuable items for appraisal.

212. Participating customers, many of whom are first-time sellers who do not know the true value of precious metals, send their items for appraisal under the false impression that they will receive an offer somewhere close to the value depicted on the Gold Calculator.

213. Participating consumers are led to believe that they are transacting with a highly rated, well-respected Fox News-endorsed precious metals dealer that offers three-times more than its competitors, and the guaranteed highest payouts in the industry.

214. After the transaction, consumers falsely believe that they will receive additional payments if the value of their items increase over the next thirty days.

215. Contrary to the representations made by CashForGoldUSA, based on the numerous online customer complaints including those referenced above and attached hereto as **Exhibit 12**, and Plaintiff's own test transactions, CashForGoldUSA has a practice of offering prices that are substantially below market value, nowhere near the "estimate" shown on the Gold Calculator, and certainly not even close to the "3X More Than Competitors" advertised all over the internet—all with the expectation that many of these offers will be accepted by inexperienced consumers.

216. Based on the online customer complaints and the insultingly low offers revealed in Plaintiff's own testing, many of these customers accept CashForGoldUSA's low

initial offers, which testing revealed hovers around 30% to 42% (10% bonus *included*), without negotiation or discussion.

217. Based on the online customer complaints, if a customer seeks the return of items sent to CashForGoldUSA, CashForGoldUSA makes it extremely difficult and time consuming for its customers, and often does not respond to communications unless and until a complaint is filed with the Better Business Bureau.

218. The valuable items are held hostage and the customer is lulled into accepting the insultingly low-balled offer or a slight increase in the offered payout price.

219. Accordingly, ordinary consumers who are not well-versed in the pricing of precious metals unknowingly accept low-ball offers that are nowhere near the advertised “3X More Than Competitors” or the “highest payouts” in the industry.

**FIRST CLAIM FOR RELIEF**  
**False Advertising Under**  
**Lanham Act, 15 U.S.C. § 1125(a)**

220. Plaintiff repeats and realleges the allegations set forth in the preceding paragraphs as if fully set forth herein.

221. Defendants, in connection with services rendered in interstate commerce have made and/or continue to make false statements of fact and false representations of fact as to the nature, characteristics, and quality of CashForGoldUSA’s services.

222. Defendants’ false statements of fact and false representations of fact in promoting the services of CashForGoldUSA are false and misleading in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

223. Defendants’ false and misleading statements of fact and misrepresentations of fact concerning CashForGoldUSA’s services were made, and/or continue to be made, in



commercial advertising, promotions, and direct communications with consumers in a manner material to the public's decision to use CashForGoldUSA's services instead of those of its competitors, including Plaintiff.

224. Defendants' false and misleading statements are commercial advertisements and promotional materials that Defendants have placed into interstate commerce in connection with the marketing of CashForGoldUSA's services.

225. The above-described acts of Defendants actually deceived, or have the tendency to deceive, a substantial segment of consumers who see or hear such representations, including but not limited to Plaintiff's customers and prospective customers.

226. The above-described acts of Defendants are material, in that they were and are likely to influence a consumer's purchasing decision.

227. Plaintiff directly competes with CashForGoldUSA in the mail-in precious metals industry.

228. As a result of Defendants' false and misleading advertising, Plaintiff has suffered a direct diversion of customers to CashForGoldUSA and has been and will be deprived of substantial revenue in an amount to be determined at trial.

229. Defendants have caused, and will continue to cause, immediate and irreparable injury to Plaintiff, including injury to its business, reputation and good will, for which there is no adequate remedy at law. As such, Plaintiff is entitled to an injunction under 15 U.S.C. § 1116 restraining CashForGoldUSA, their agents, employees, representatives and all persons acting in concert with them, including WealthySingleMommy, Steer, Brown, and Toutain, from engaging in further acts in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a) and ordering removal of all of Defendants' false advertising.



230. Plaintiff is entitled under 15 U.S.C. § 1117 to actual damages to be determined at trial, to have such damages trebled, to disgorgement of Defendants' profits, and costs of the action.

231. Defendants have acted in bad faith and has knowingly, willfully, and deliberately engaged in false advertising with the intent to deceive the public and injure its competitors, including Plaintiff. Thus, in addition to the relief requested herein, Plaintiff is entitled to reasonable attorney's fees pursuant to 25 U.S.C. § 1117(a).

**SECOND CLAIM FOR RELIEF**  
**Deceptive Acts and Practices Under**  
**New York General Business Law § 349**

232. Plaintiff repeats and realleges the allegations set forth in the preceding paragraphs as if fully set forth herein.

233. As described above, Defendants have engaged in a multi-year consumer-oriented pattern and practice aimed at the public at large by embarking on a comprehensive fraudulent scheme to deceive consumers by, *inter alia*, falsely advertising CashForGoldUSA's services; and by using fraudulent "independent" websites, a misleading "Gold Calculator," a fraudulent "Paid to Date" counter, a stale, outdated, and factually incorrect local news segment, a corrupt consumer review system, and a fraudulent "secret shopper" style "experiment."

234. Consumers have suffered injury in that (1) Defendants have materially misled unsophisticated consumers by luring them through false and misleading advertising and inducing them into unknowingly accepting significantly low offers by using the deceptive tactics and practices alleged herein; and (2) CashForGoldUSA has engaged in a deceptive scheme whereby it lured unsophisticated consumers to send their gold items by, among other

things, advertising that CashForGoldUSA pays three times more than its competitors, and instead making egregiously low-ball offers that are nowhere near three times more than its competitors to consumers who are unlikely to know the true value of their gold. Within the scheme, CashForGoldUSA makes it easy for consumers to accept but difficult to reject the low-ball offers while maintaining possession of consumer's valuable items, lulling consumers into acceptance of the same or marginally better offers that are still well below its advertised highest payouts in the industry.

235. As a result of Defendants' acts, Plaintiff, as a competitor of CashForGoldUSA, has suffered and will continue to suffer damages to its business reputation and goodwill and the loss of customers.

236. Defendants' conduct is willful because they knew that the false and misleading representations were materially false and CashForGoldUSA has a history of engaging in a deceptive scheme.

237. The above-described acts constitute deceptive acts and practices, in violation of Section 349 of the New York General Business Law.

**THIRD CLAIM FOR RELIEF**  
**Unfair or Deceptive Trade Practices**  
**Massachusetts General Laws 93A § 11**

238. Plaintiff repeats and realleges the allegations set forth in the preceding paragraphs as if fully set forth herein.

239. Pursuant to Massachusetts General Laws 93A § 2 “[u]nfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.”

240. As described above and more particularly in the Second Claim for Relief,

Defendants have willfully and knowingly engaged in unfair or deceptive acts or practices.

241. These acts and practices are unfair and deceptive in material respects, offend public policy, are immoral, unethical, oppressive and unscrupulous.

242. These above above-described acts constitute deceptive trade practices, in violation of Massachusetts General Laws 93A § 11.

**FOURTH CLAIM FOR RELIEF**  
**False Advertising Under**  
**New York General Business Law § 350**

243. Plaintiff repeats and realleges the allegations set forth in the preceding paragraphs as if fully set forth herein.

244. As described above, Defendants have engaged in false advertising under the Lanham Act and Plaintiff has been thereby injured.

245. Consumers have actually and reasonably relied on Defendants' false advertising.

246. The above-described acts constitute false advertising in violation of Section 350 of the New York General Business Law.

**FIFTH CLAIM FOR RELIEF**  
**Unfair Competition**

247. Plaintiff repeats and realleges the allegations set forth in the preceding paragraphs as if fully set forth herein.

248. As described above, Defendants have acted in bad faith and have knowingly, willfully, and deliberately engaged in the above-described false advertising and deceptive acts and practices, with the intent to injure Plaintiff and deceive the public.

249. Defendants have damaged Plaintiff by engaging in false advertising and other deceptive acts and practices by, among other things, causing customers to offer their items to CashForGoldUSA instead of Plaintiff, thereby reducing Plaintiff's market share.

**SIXTH CLAIM FOR RELIEF**  
**Unjust Enrichment**

250. Plaintiff repeats and realleges the allegations set forth in the preceding paragraphs as if fully set forth herein.

251. Defendants have received significant revenue from transactions with consumers who relied on the false and misleading Fraudulent Website which "ranked" Plaintiff near the bottom of a list of competitors and the fraudulent "secret shopper" style "experiment."

252. Thus, Plaintiff's own transactions were diverted as a result of Defendants' publication of the Fraudulent Website and fraudulent "secret shopper" style "experiment."

253. Defendants have been unjustly enriched and should not be permitted to retain those ill-gotten gains.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment against Defendants as follows:

A. For preliminary and permanent injunctive relief:

- i. Enjoining Defendants and their agents and affiliates from publishing or causing the publication of the false and misleading claims and statements herein, including: (1) the Fraudulent Website, (2) the "Paid to Date" counter and claims arising therefrom, including false statements concerning the total amount paid out to customers; (3) the

Gold Calculator and claims arising therefrom, including that it provides an estimate or approximation of the offer; (4) the Fox 5 Segment and claims arising therefrom, including that Defendant pays three times more than competitors and provides the “highest payouts,” Fox News and Fox Business News produced the Fox 5 Segment, and the Fox 5 Segment is a recently broadcast current representation of CashForGoldUSA’s standing in the industry; (5) the deceptive and fraudulent customer reviews, including the Shopper Approved reviews; (6) the “Price Match Guarantee”; (7) “Gold Price Maximizer”; (8) WealthySingleMommy’s fraudulent “secret shopper” style “experiment”; and (9) references to “CashForGold-Scam.com.”

- ii. Enjoining Defendants from engaging in the deceptive low-ball bait and switch scheme described herein;
- iii. Requiring Defendants to issue appropriate corrective advertisements, reasonably designed to reach all people to whom their false and misleading advertising were disseminated, and retracting all of the foregoing false and misleading claims and statements; and
- iv. Requiring Defendants to remove, recall, and destroy all marketing and advertising materials that contain all of the foregoing false and misleading claims and statements.

B. For monetary relief in the form of:

- i. Compensatory damages under 15 U.S.C. § 1117 and state law for all injuries to Plaintiff caused by Defendants' acts alleged herein;
- ii. An award of Defendants' profits under 15 U.S.C. § 1117 and state law;
- iii. Punitive damages;
- iv. Enhanced or treble damages under 15 U.S.C. § 1117 and state law;
- v. Attorney's fees and costs under 15 U.S.C. § 1117 and state law;
- vi. Prejudgment and post-judgment interest; and

C. For such other and further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands trial by jury for all issues so triable.

DATED: April 30, 2022

/s/ Kamran F. Hashmi  
Kamran F. Hashmi, Esq.  
Hashmi Law Firm  
The Hoyt-Potter House  
133 S. Fitzhugh Street  
Rochester, New York 14608  
Tel: (585) 802-1253  
Email: [kamran@rocattorney.com](mailto:kamran@rocattorney.com)  
*Attorneys for Plaintiff Express Gold Cash, Inc.*

**VERIFICATION**

I, Demitrios Kolokouris, verify that I am the Vice President of Express Gold Cash, Inc., Plaintiff in this proceeding, and that the facts set forth in the Verified Complaint are true and correct to the best of my knowledge, information, and belief, except (1) where expressly stated to be based upon information and belief, in which case, I believe them to be true, and (2) legal conclusions, for which I expressly defer to Plaintiff's counsel. I understand that false statements herein are subject to the penalties of 28 U.S.C. § 1746 relating to sworn declarations to authorities.

Dated: April 30, 2022

A handwritten signature in dark ink, appearing to read 'Dimitrios K.', followed by a long horizontal flourish.

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Demitrios Kolokouris  
Vice President  
Express Gold Cash, Inc.